

# Housing Element & Fair Share Plan

---

City of Summit  
Union County, New Jersey

June 12, 2025  
Adopted June 23, 2025





COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

B U R G I S  
A S S O C I A T E S , I N C .

**PRINCIPALS:**

*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*  
*David Novak PP, AICP*

# HOUSING ELEMENT AND FAIR SHARE PLAN

CITY OF SUMMIT

UNION COUNTY, NEW JERSEY

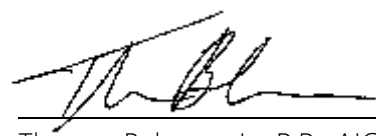
PREPARED FOR:

CITY OF SUMMIT PLANNING BOARD

BA# 4167.06

The original document was appropriately signed and sealed on June 12, 2025 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

  
\_\_\_\_\_  
Joseph H. Burgis, P.P., AICP  
Professional Planner #2450

  
\_\_\_\_\_  
Thomas Behrens, Jr., P.P., AICP  
Professional Planner #6323



**MEMBERS OF THE CITY OF SUMMIT PLANNING BOARD**

Steven Spurr, Chair  
Jennifer Balson Alvarez, Vice Chair  
Elizabeth Fagan, Mayor  
Delia Hamlet, Common Council Member  
Augusto Dal'Maso, Municipal Official  
Susan Bowen  
Ryan Felmet  
Paul Formichelli  
Peter Lijoi  
PJ Sala  
Paul Stern

**CITY ADMINISTRATOR**

Tammie Baldwin

**PLANNING BOARD SECRETARY**

Jessica Sands &  
Nicole Kotiga, RMC, Deputy City Clerk

**AFFORDABLE HOUSING ATTORNEY**

Nancy Holm, Esq.  
Surenian, Edwards, Buzak & Nolan, LLC

**AFFORDABLE HOUSING ADMINISTRATIVE AGENT**

Marc Leckington  
Leckington Advisors

**PLANNING BOARD ATTORNEY**

Steven Warner, Esq.  
Savo, Shalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher

**PLANNING BOARD ENGINEER**

Marie Raffay, P.E., CME  
Colliers Engineering & Design

**PLANNING BOARD & AFFORDABLE HOUSING PLANNER**

Joseph H. Burgis, P.P., A.I.C.P., Tom Behrens, P.P., A.I.C.P.,  
Burgis Associates, Inc.



# CONTENTS

Executive Summary.....	1
<b>SECTION 1: INTRODUCTION.....</b>	<b>7</b>
1.1 What is Affordable Housing?.....	7
1.2 History of Affordable Housing in New Jersey.....	8
1.3 What is a Housing Element and Fair Share Plan?.....	10
<b>SECTION 2: HOUSING ELEMENT.....</b>	<b>12</b>
2.1 Community Overview.....	12
2.2 Data Sources.....	16
2.3 Inventory of Municipal Housing Stock.....	17
2.4 Projection of Municipal Housing Stock.....	22
2.5 Population Analysis .....	23
2.6 Employment Analysis.....	26
2.7 Employment Projections.....	28
<b>SECTION 3: FAIR SHARE OBLIGATION .....</b>	<b>30</b>
3.1 Summary of Fair Share Obligation.....	30
3.2 Realistic Development Potential .....	31
<b>SECTION 4: FAIR SHARE PLAN .....</b>	<b>33</b>
4.1 General Provisions.....	33
4.2 Plan Components.....	34
4.3 Development Sites .....	39
4.4 Rejected Development Sites.....	66
4.5 Crediting Documentation and Ongoing Compliance .....	67
4.6 Consistency with State Planning Initiatives .....	67
<b>APPENDIX.....</b>	<b>69</b>
4th Round Complaint for Declaratory Relief Pursuant to AOC Directive #14-24.....	
Resolution No. 41452 Determining 4th Round Obligation .....	
Court Order Fixing 4th Round Obligation.....	
4th Round Vacant Land Analysis (VLA) .....	
2016 (3rd Round) Settlement Agreement with Fair Share Housing Center.....	
3rd Round Final Judgement of Compliance and Repose .....	
NJHMFA UHAC 2025 Affordable Housing Regional Income Limits by Household Size .....	
Structural Conditions Survey.....	
Draft Ordinance Creating AH-1 Affordable Housing District (Harmen Holdings).....	
Draft Ordinance Amending Mandatory Set-Aside Ordinance .....	

Zoning Board of Adjustment Resolution for Application No. ZB-21-2090 (Tyrconnell Park) .....

Governing Body Ordinance No. 24-3319 Creating Morris Broad Crossroads (MBC) Overlay Zone .....

**MAPS.....**

Community Map..... 14

Existing Land Use Map..... 15

Fair Share Plan Sites Map ..... 65



## EXECUTIVE SUMMARY

This 2025 City of Summit Housing Element and Fair Share Plan ("HE&FSP") of the Master Plan is designed to address the manner in which the City will fulfill its 4<sup>th</sup> Round (2025-2035) affordable housing obligations. These obligations and the ways in which they are addressed are derived from a variety of sources, including regulatory provisions of the Council on Affordable Housing (COAH), a prior settlement agreement with Fair Share Housing Center ("FSHC"), prior Court-approved Judgments of Compliance and Repose, and the recent legislation on the 4<sup>th</sup> Round of the affordable housing issue and associated housing need calculations by the Department of Community Affairs ("DCA").

These obligations are summarized as follows:

**TABLE 1 – CITY OF SUMMIT AFFORDABLE HOUSING OBLIGATIONS SUMMARY**

Category	Obligation	Unmet Need
1 <sup>st</sup> & 2 <sup>nd</sup> Round Obligation (1987-1999)	171 units reduced to 36-unit combined Prior Round & 3 <sup>rd</sup> Round RDP through a VLA*	N/A
3 <sup>rd</sup> Round Obligation (1999-2025)	567 units reduced to 36-unit combined Prior Round & 3 <sup>rd</sup> Round RDP through a VLA*	702 units (combined)
4 <sup>th</sup> Round Obligation (2025-2035)	345 units reduced to 18-unit RDP through a VLA*	327 units
Present Need (Rehabilitation) Obligation	59 reduced to 10 units through a 'windshield' survey	N/A

\* RDP = Realistic Development Potential. VLA = Vacant Land Adjustment.

The City of Summit has adopted several HE&FSPs to address its affordable housing obligations through the first three rounds of the published affordable housing obligations. These are described below.

### Prior (1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup>) Round Obligation

The City of Summit adopted several Housing Elements and Fair Share Plans to address its 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Round affordable housing obligations throughout the years; however, due to protracted litigation over the 3<sup>rd</sup> Round COAH regulations, the City's plan was finally approved through the Mount Laurel IV declaratory judgment process in 2019. In 1986, COAH adopted a "fair share" methodology to determine municipal housing-need numbers for municipalities throughout the state, assigning Summit an affordable housing-need number of 249 units to cover the years 1987 through 1993. COAH prepared new, adjusted numbers in 1994 covering a combined 1<sup>st</sup> and 2<sup>nd</sup> Round obligation for the years 1987-1999 of 171 units.

Pursuant to a Settlement Agreement with FSHC, the City had established a 3<sup>rd</sup> Round Prospective Need obligation of 567, which pursuant to a Vacant Land Analysis, established a combined Prior Round and 3<sup>rd</sup> Round Realistic Development Potential ("RDP") Obligation of 36 affordable units and an unmet need of 702 units. The City also agreed at that time to facilitate the construction of fifty units of affordable housing to encourage the development of additional 'unmet need' affordable housing opportunities ("50 new units"). This Settlement Agreement was approved by the Court at a duly-noticed Fairness Hearing and memorialized in an Order approving the Settlement Agreement dated October 31, 2016. The City adopted its 3<sup>rd</sup> Round HE&FSP on February 26, 2018 and was subsequently granted a Final Judgment of Compliance and Repose ("JOR") on January 22, 2019.

All court-approved credits satisfying the City's 36-unit combined Prior Round and 3<sup>rd</sup> Round RDP have been constructed and are now occupied by qualified households. These units are monitored by the City's Administrative Agent. At the time of publication of this HE&FSP, the Court is considering a Consent Order between FSHC and the City, finalizing the satisfaction of the "50 New Units" toward the City's 3<sup>rd</sup> Round Unmet Need and is expected to sign same. Should the Consent Order not be available in time for the filing of this HE&FSP with the Court by the June 30, 2025 deadline, it will be filed separately as an amendment to the appendix of this plan.

The City's Court-approved 3<sup>rd</sup> Round HE&FSP addresses the entirety of its 36-unit RDP, including approvals for bonus credits. In addition, throughout the 3<sup>rd</sup> Round, the City created additional affordable housing opportunities toward the 50 New Units as noted above and summarized in the accompanying two tables.

**TABLE 2 – PLAN COMPONENTS SATISFYING COMBINED PRIOR ROUND & 3RD ROUND RDP**

Plan Mechanisms	Address	Block/Lot	Unit Type	# Units	Bonus Credits	Total Credits	Project Status
<u>Group Homes</u>							
Our House, Inc.	43 Glendale Ave.	246/4	Group Home	4	4	8	Completed
<u>Assisted Living</u>							
Sunrise	22 River Rd.	201/9.01	Senior	8	1	9	Completed
<u>100% Affordable – For Sale</u>							
Habitat for Humanity	39 Morris Ave.	3908/7.01-7.06	Family	6	0	6	Completed
<u>100% Affordable – For Rent</u>							
Tiger Baron	120 Morris Ave.	4209/1	Family	2	2	4	Completed
<u>Inclusionary Development</u>							
Parmley Place	50 Parmely Pl.	2606	Family	2	2	4	Completed
<u>Off-Site Units</u>							
Summit Pl.	13 North St.	3901/10	Family	3	0	3	Completed
68-72 Franklin Pl.	31 Russell Pl.	4210/2	Family	2	0	2	Completed
<b>RDP 36 Total</b>				<b>27</b>	<b>9</b>	<b>36</b>	<b>-</b>

**TABLE 3 – PLAN COMPONENTS SATISFYING 3RD ROUND 50-UNITS OF "NEW CONSTRUCTION"/UNMET NEED**

Plan Mechanisms	# of AH Units	50- Unit Goal	Unit Type	Unit/Bedroom Counts	Project Status
100% Affordable Senior Project with BCUW (Methodist Church)	12	12	Senior	Studio-2BR; UHAC/DCA funding Requirements	MOU signed by Parties
412 Morris (MF Zone)	1	1	Family	2BR Low	Occupied
146 Morris (Habitat for Humanity)	12	12	Family	6-2BR 6-3BR	Constructed & being filled
123-127 Summit Avenue	3	3	Family	3BR Mod 1BR Low 2BR Low	Occupied
557-565 Morris (46-unit Project)	7	7	Family	UHAC Requirements	Approved
Our House – Future Group Home	4	4	SSN	Special needs n/a	Agreement executed by Parties
St. Teresa's 100% affordable	11	11	3 Family, 8 can be senior/SSN	UHAC Requirements	Planning Phase
<b>Total for Plan:</b>		<b>50</b>	<b>Per consent order with FSHC</b>		

#### 4th Round Obligation

Governor Murphy signed new affordable housing legislation (A-40/S-50 Bill) into law on March 20, 2024. This Fair Housing Act legislation (FHA-2) amended the existing Fair Housing Act (FHA or the Act) by abolishing COAH and establishing a new process that created an Affordable Housing Dispute Resolution Program (the Program), which is overseen by seven retired Mount Laurel judges. The Program has taken the place of the trial courts and COAH regarding the initial phase of the affordable housing approval process that pertained to the acceptance of affordable housing obligations, with the Superior Court being the final decision-maker in the process by issuing orders and eventually certificates of compliance. The DCA and the Administrative Office of the Courts (AOC) are also involved in this process.

FHA-2 directed the DCA to calculate Present Need (i.e. Rehabilitation obligation) and Prospective Need (the new construction obligation) for the 4<sup>th</sup> Round for all municipalities in the State based upon the standards set forth in the Act. DCA issued its report on October 18, 2024, and, in accordance with the Act, made clear that the obligations identified in their report were advisory only and were non-binding.

For Summit, DCA identified a Present Need of 59 and a Prospective 4<sup>th</sup> Round obligation of 345. On January 21, 2025, the City adopted a “binding resolution” accepting the DCA’s calculations of its Present and Prospective Need obligations in accordance with the statutory requirements of FHA-2. On January 22, 2025, the City filed a Declaratory Judgment Action with the Program pursuant to AOC Directive #14-24, along with a copy of the adopted binding resolution, thereby securing continued immunity from builder’s remedy and other Mount Laurel lawsuits related to its Round 4 obligation. No objections were received to the City’s acceptance of its DCA-calculated obligations by the statutory deadline of February 28, 2025, thereby the City’s obligations became automatically accepted on March 1, 2025 by statute. The Hon. Daniel R. Lindemann, J.S.C. issued an Order on May 5, 2025 that officially set the City’s 4<sup>th</sup> Round Present Need at 59 and its Prospective Need at 345. A subsequent vacant land adjustment analysis presented in this Plan has resulted in reducing that number to an RDP of 18 and an unmet need of 327.

The plan mechanisms that satisfy the entirety of Summit’s 4th Round RDP and a portion of its Unmet Need are summarized in the accompanying two tables.

TABLE 4 – PLAN COMPONENTS SATISFYING 4TH ROUND RDP

Plan Mechanism	Address	Block/Lot	Unit Type	# Units	Bonus Credits	Total Credits	Project Status
Summit Place Off-Site	708-710 Springfield Ave	2901/24	Family	4	0	4	Constructed & Occupied; Approved by the Court in Round 3
Providence Crossing	785 Springfield Ave	1604/7	Family	2	1	3	Constructed & Occupied; Approved by the Court in Round 3
Promenade	545 Morris Ave	404/1-4	Family	5	2	7	Constructed & Occupied; Approved by the Court in Round 3
4-6 Ashwood Avenue	86 Park Ave, #103	4006/2.02	Family	2	1	3	Constructed & Occupied; Approved by the Court in Round 3
Harmen Holdings	Broad St., Ashwood Ave., Morris Ave.	4008/8,9,11	Family Rental	1 (of 4)	0	1	To be rezoned
<b>Total</b>				<b>14</b>	<b>4</b>	<b>18</b>	<b>-</b>

TABLE 5 – PLAN COMPONENTS SATISFYING 4TH ROUND UNMET NEED

Plan Mechanisms	Address	Block/Lot	Unit Type	# AH Units	Project Status
Harmen Holdings	Broad St., Ashwood Ave., Morris Ave.	4008/8,9,11	Family	3 (of 4)	To be rezoned
Glenwood Place (Summit Housing Authority or SHA)	50 Glenwood Pl.	2614/12	Family	40	Constructed & Occupied (Removal of Residency Preference Required)
Weaver St. Apartments (SHA)	2 Weaver St.	1302/43	Family	30	Constructed & Occupied (Removal of Residency Preference Required)
Vito A. Gallo Senior Apartments (SHA)	12 Chestnut Ave.	2702/3	Senior	125	Constructed & Occupied (Removal of Residency Preference Required)
MBC Overlay Zone	Morris Ave., Broad St., Cedar St.	2706/1,2,3,4	Family	7	Adopted
Our House Group Home	1 Greenfield Ave.	401/50	SSN	4	Constructed & Occupied
Brandywine Assisted Living	41 Springfield Ave.	3802/28	Senior	10	Constructed & Occupied
Elizabeth RCA	N/A	N/A	RCA	26	Approved by COAH & Court
Overlay Zone 1	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 2	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 3	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 4	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 5	25 Deforest Ave.	1906/1	Family	-	Adopted
Overlay Zone 6	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 7 (Habitat for Humanity Project)	146 Morris Ave.	4208/1	Family	12	Constructed
Extension of Expiring Controls	-	-	-	-	As needed
Mandatory Set-Aside Ordinance	City-Wide	-	-	-	Adopted
Development Fee Ordinance	City-Wide	-	N/A	-	Adopted



## Structure of the Plan

The City's 2025 HE&FSP addressing its 4th Round affordable housing obligations is divided into the following sections:

❖ Section 1: Introduction

The first section of the 2025 HE&FSP provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

❖ Section 2: Housing Element

Section 2 contains the Housing Element for the City of Summit. It offers a community overview of the City, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the City's housing stock and employment.

❖ Section 3: Fair Share Obligation

Next, Section 3 provides an overview of the City's fair share obligation. It includes a brief history of the methodologies utilized to calculate affordable housing obligations throughout the state.

❖ Section 4: Fair Share Plan

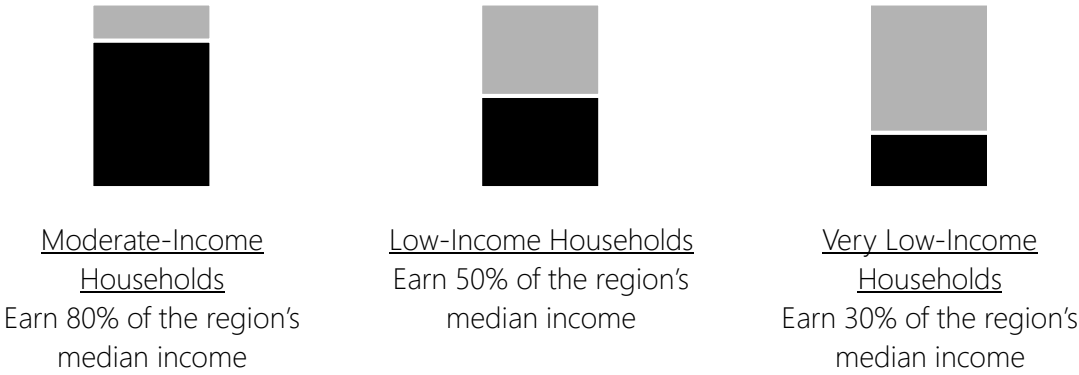
Finally, Section 4 details the manner in which the City has addressed its prior 1st through 3<sup>rd</sup> Round obligations, how it will address its 4th Round Prospective Need Obligation, and how same is consistent with the FHA, applicable COAH and UHAC regulations, and state planning initiatives.

# Section 1: Introduction

The following section introduces what constitutes affordable housing. It identifies what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

## 1.1 WHAT IS AFFORDABLE HOUSING?

Affordable housing is income-restricted housing that is available for sale or for rent. As a general proposition, affordable housing is restricted to very-low, low-, and moderate-income households (noted below), although there are exceptions, such as specific types of special-needs housing. These categories are derived from the state’s median regional income limits (which for the current year are noted in the table below). New Jersey is divided into six different affordable housing regions. Summit is located within Region 2 which includes Union, Essex, Morris and Warren Counties.



Regional income limitations are typically updated every year, with different categories established for varying household sizes. The table below identifies the 2025 regional income limits by household size for Region 2. As shown, a three-person family with a total household income of up to \$97,440 could qualify as a moderate-income household for affordable housing in the City’s region. The complete 2025 NJHMFA income table is provided in the Appendix.

TABLE 6 – 2025 REGION 2 INCOME LIMITS

Income Level	2 Person	3 Person	4 Person	5 Person
Median (100%)	\$108,300	\$121,800	\$135,300	\$146,200
Moderate (80%)	\$86,640	\$97,440	\$108,240	\$116,960
Low (50%)	\$54,150	\$60,900	\$67,650	\$73,100
Very-Low (30%)	\$32,490	\$36,540	\$40,590	\$43,860

Source: NJHMFA UHAC 2025 Affordable Housing Regional Income Limits by Household Size effective May 16, 2025.

Affordable housing exists in several forms which may be available for sale or rent. This may include 100% affordable developments, deed-restricted accessory apartments, special needs/supportive housing or group homes, assisted living facilities, age-restricted housing, and inclusionary development in which a certain percentage of the housing units are reserved for affordable housing while the remaining units are market rate.

## 1.2 HISTORY OF AFFORDABLE HOUSING IN NEW JERSEY



The history of affordable housing in New Jersey can be traced back to 1975, when the Supreme Court first decided in So. Burlington Cty. NAACP v. Township of Mount Laurel (known as Mount Laurel I) that every developing municipality throughout New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent Supreme Court decision in 1983 (known as Mount Laurel II), the Court acknowledged that the vast majority of municipalities had not addressed their constitutional obligation to provide affordable housing.

As such, the Court refined this obligation to establish that every municipality had an obligation, although those within the growth area of the State Development and Redevelopment Plan (SDRP) had a greater obligation. The Court also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result of this decision was the adoption of the Fair Housing Act in 1985, as well as the creation of the Council on Affordable Housing (COAH), which became the state agency responsible for overseeing the manner in which New Jersey's municipalities address their low- and moderate-income housing needs.

COAH proceeded to adopt regulations for the 1st Round obligation, which covered the years 1987 to 1993. It also established the 2<sup>nd</sup> Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the 1st and 2nd Rounds, COAH utilized what is commonly referred to as the "fair share" methodology. COAH utilized a different methodology, known as "growth share," beginning with its efforts to prepare 3rd Round housing-need numbers. The 3rd Round substantive and procedural rules were first adopted in 2004.

These regulations were challenged and in January 2007, the Appellate Division invalidated various aspects of these rules and remanded considerable portions of the rules to COAH with the directive to adopt revised regulations.

In May 2008, COAH adopted revised 3rd Round regulations which were published and became effective on June 2, 2008. Coincident to this adoption, COAH proposed amendments to the rules they had just adopted, which subsequently went into effect in October 2008. These 2008 rules and regulations were subsequently challenged, and in an October 2010 decision, the Appellate Division invalidated the Growth Share methodology and also indicated that COAH should adopt regulations pursuant to the Fair Share methodology utilized in Rounds One and Two.

The Supreme Court affirmed this decision in September 2013, which invalidated much of the third iteration of the 3rd Round regulations and sustained the invalidation of growth share. As a result, the Court directed COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

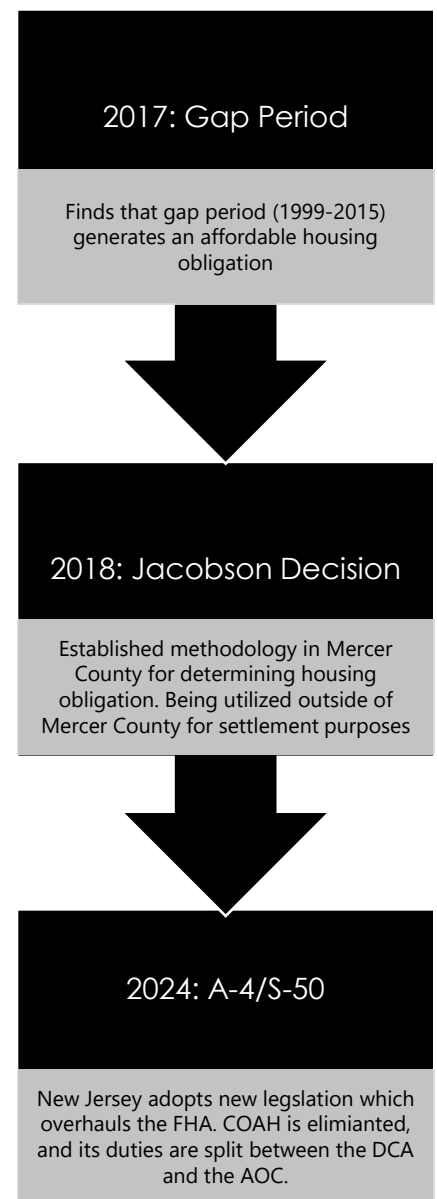
Deadlocked with a 3-3 vote, COAH failed to adopt revised 3rd Round regulations in October 2014. FSHC, who was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. The Court heard the motion in January 2015 and issued its ruling on March 20, 2015. The Court ruled that COAH was effectively dysfunctional and, consequently, returned jurisdiction of affordable housing issues back to the trial courts where it had originally been prior to the creation of COAH in 1985.

This 2015 Court decision, commonly known as Mount Laurel IV, created a process in which municipalities could file a declaratory judgment action seeking a declaration that their HE&FSP is constitutionally compliant and receive temporary immunity from affordable housing builders' remedy lawsuits while preparing a new or revised HE&FSP to ensure their plan continues to affirmatively address their local housing need as may be adjusted by new housing-need numbers promulgated by the court or COAH.

Subsequently, the Supreme Court ruled on January 18, 2017 that municipalities are also responsible for obligations accruing during the so-called "gap period," the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need, which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

On March 20, 2024, Governor Murphy signed the A4/S50 Bill into law, which significantly amended the FHA for the 4th Round and beyond (FHA-2"). The amendments to the FHA eliminated COAH, kept superior oversight of the trial courts to ultimately approve municipal HE&FSPs, and created a new entity to act as an intermediary in resolving disputes and reviewing municipal plans known as the Affordable Housing Dispute Resolution Program, commonly referred to as "the Program," which consists of seven retired Mount Laurel Judges who have the discretion to hire "Special Adjudicators," which were formerly called Court Master in previous rounds. FHA-2 also involved the DCA and the AOC in the process.

The DCA was designated by the FHA-2 as the entity responsible for calculating the state's regional needs as well as each municipality's present and prospective fair share obligations pursuant to the methodology set forth in the Jacobson Decision. However, the FHA-2 makes it clear that these numbers are advisory and non-binding, and that each municipality must set its own obligation number utilizing the same methodology. The Program was tasked to handle any disputes regarding affordable housing obligations and plans, and issuing recommendations to the Superior Court judges, as the Courts were kept in the process to ultimately issue a Compliance Certification formally approving a municipality's HE&FSP, which would continue immunity from all exclusionary zoning lawsuits until July 30, 2035.



### 1.3 WHAT IS A HOUSING ELEMENT AND FAIR SHARE PLAN?

A HE&FSP serves as the blueprint for how a municipality will address its fair share of affordable housing. It is designed to help a community broaden the accessibility of affordable housing.

While technically a discretionary component of a municipal master plan, a HE&FSP is nevertheless an effectively obligatory plan element. As established by N.J.S.A. 40:55D-62.a of the MLUL, a municipality must have an adopted HE&FSP in order to enact its zoning ordinance. Thus, from a public policy perspective, a HE&FSP is an essential community document. Moreover, without an approved HE&FSP, a municipality may be susceptible to a builder's remedy lawsuit in which a developer could file suit to have a specific piece of property rezoned to permit housing at higher densities than a municipality would otherwise allow, provided a certain percentage of units are reserved as affordable.

The Municipal Land Use Law (MLUL) is the enabling legislation for municipal land use and development, planning, and zoning for the State of New Jersey.

The Fair Housing Act, as most recently amended pursuant to FHA-2, establishes the required components of a HE&FSP. These are summarized as follows:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated.
2. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age.
4. An analysis of the existing and probable future employment characteristics of the municipality.
5. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing.
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.
7. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission.

8. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands conforming municipalities. And
9. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

## Section 2: Housing Element

The following section provides the Housing Element for the City of Summit. It offers a community overview of the City, as well as background information regarding its population, housing, and employment characteristics. It also provides projections of the City's housing stock and employment.

### 2.1 COMMUNITY OVERVIEW

The City of Summit is in the northwestern portion of Union County. It is bounded by seven municipalities, including the Borough of Chatham and Township of Millburn to the north, the Township of Springfield to the east, the Borough of Mountainside and Township of Berkeley Heights to the south, and the Borough of New Providence and Township of Chatham to the west.

The City is approximately six square miles in area, making it the seventh largest municipality in Union County. It is a fully developed community with very little vacant land remaining for development. The City's center features an active and vibrant central business district that contains over 220 parcels within eighty acres, exclusive of public rights-of-way, and is developed with an attractive array of retail, service commercial and restaurant uses including numerous outdoor dining locations. The City is also home to Overlook Medical Center, which is located near the downtown, as well as several corporate campuses such as Bristol Myers Squibb and Kenvue, and other notable land uses such as Canoe Brook Country Club golf course, public and private schools and variety of parks and open spaces distributed throughout the City.

Summit also has a variety of housing types, ranging from attractive single-family residences on varied lot sizes to multi-family and townhouse developments. Notably, the City administers its own housing authority, which oversees affordable housing developments in three locations totaling 195 units; there are also inclusionary developments that contain an affordable housing set-aside, small-scale 100% affordable housing developments, as well as assisted living facilities and group homes.

Summit is located at the intersection of Interstate Route 78 and State Route 24 and roughly 4.4 miles west of the Garden State Parkway. The City is served by several means of public transportation, including the Summit and New Providence train stations that offer service along NJ Transit's Morristown and Gladstone Branch rail lines, which provide access to Secaucus Junction, Hoboken Terminal and New York Penn Station among other destinations. Bus service is provided via a park and ride located at the intersection of Springfield Avenue and Route 24. There are also several bus stop routes located along Morris Avenue, Springfield Avenue, Ashland Road and Broad Street.

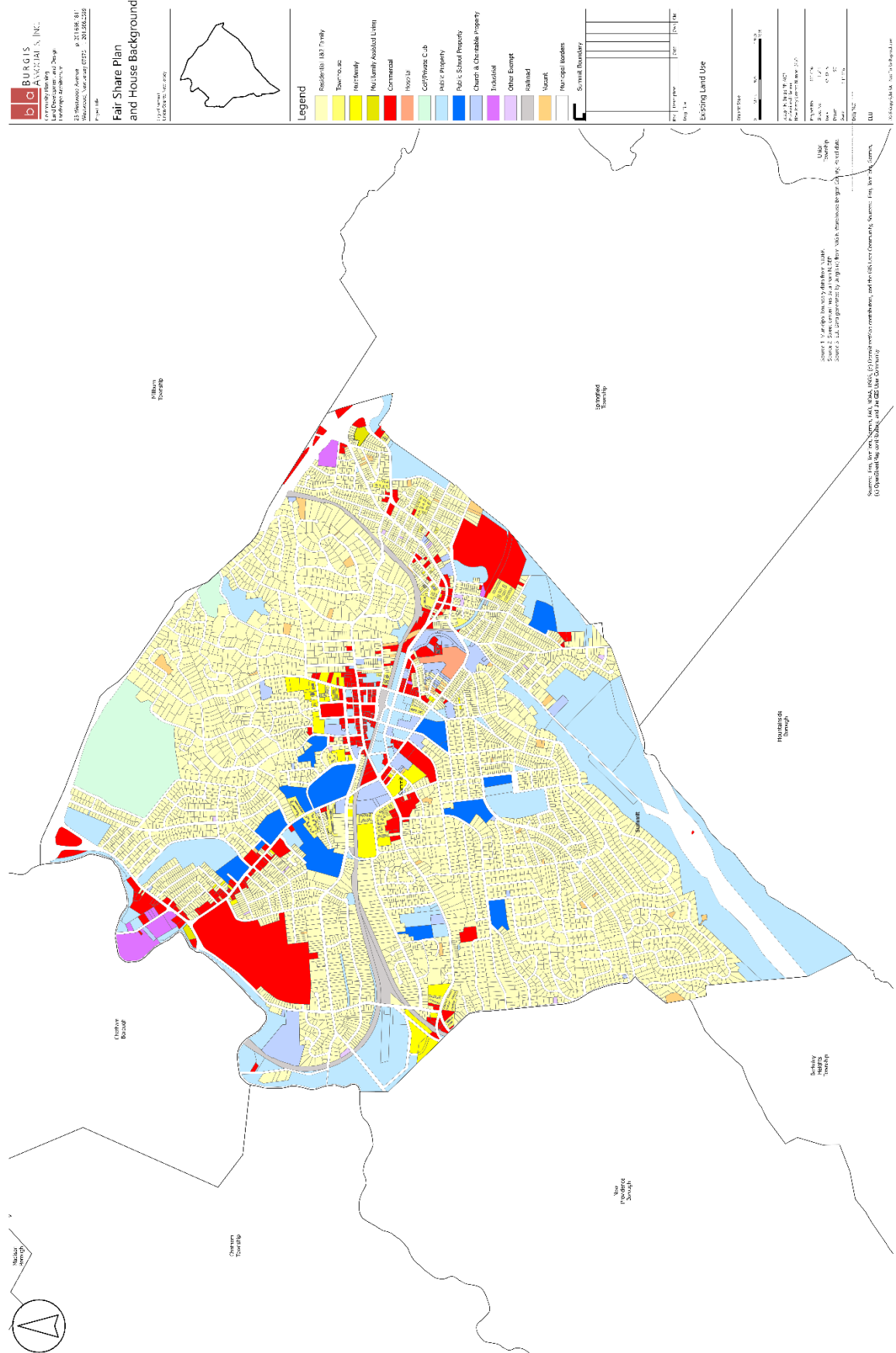
Table 7 and the accompanying Community and Existing Land Use Maps depict the distribution of land uses in Summit.

TABLE 7 – DISTRIBUTION OF EXISTING LAND USES  
CITY OF SUMMIT, NEW JERSEY

Land Use	Sub-Category	Acres	% of Total Acres
<b>Residential</b>	Residential 1 & 2 Family	1854.5	47.74%
	Townhouse	44.7	1.15%
	Assisted Living	3.8	0.10%
	Multifamily	49.8	1.28%
<b>Commercial</b>	Commercial	255.9	6.59%
	Golf/Private Club	130.6	3.36%
<b>Public/Semi-Public</b>	Public Property	552.4	14.22%
	Public Roads	691.0	17.79%
	Public School	102.2	2.63%
	Church & Charitable	76.6	1.97%
<b>Other</b>	Vacant	23	0.59%
	Industrial	26.3	0.68%
	Hospital	9.4	0.24%
	Railroad	60.4	1.55%
	Other Tax Exempt	3.8	0.10%
<b>Total</b>	-	3884	100.00%







## 2.2 DATA SOURCES

The information contained in the Housing Element section of this document was obtained from a variety of publicly available data sources including the U.S. Decennial Census, American Community Survey ("ACS"), New Jersey Department of Health, New Jersey Department of Community Affairs ("DCA") and New Jersey Department of Labor and Workforce Development.

1. United States Decennial Census. The US Census is described in Article I, Section 2 of the Constitution of the United States, which calls for an enumeration of the people every ten years for the apportionment of seats in the House of Representatives. Since the time of the first Census conducted in 1790, it has become the leading source of data about the nation's people and economy. Please note that all incomes reported in the Census are adjusted for inflation.
2. American Community Survey. The American Community Survey is a nationwide ongoing survey conducted by the US Census Bureau. The ACS gathers information previously contained only in the long form version of the decennial census, such as age, ancestry, educational attainment, income, language proficiency, migration, disability, employment, and housing characteristics. It relies upon random sampling to provide ongoing, monthly data collection. Please note that all incomes reported in the ACS are adjusted for inflation.
3. New Jersey Department of Health. The New Jersey Department of Health is a governmental agency of the State of New Jersey. The department contains the Office of Vital Statistics and Registry, which gathers data regarding births, deaths, marriages, domestic partnerships, and civil unions.
4. New Jersey Department of Health. The New Jersey Department of Community Affairs is a governmental agency of the State of New Jersey. Its function is to provide administrative guidance, financial support, and technical assistance to local governments, community development organizations, businesses, and individuals to improve the quality of life in New Jersey.
5. New Jersey Department of Labor and Workforce Development. The New Jersey Department of Labor and Workforce Development is a governmental agency of the State of New Jersey. One of its roles is to collect labor market information regarding employment and wages throughout the state.

## 2.3 INVENTORY OF MUNICIPAL HOUSING STOCK

The following section of the Housing Element provides an inventory of the City's housing stock, as required by the Municipal Land Use Law (MLUL). This inventory details such housing characteristics as age, condition, purchase/rental value, and occupancy. It also details the number of affordable housing units available to low-and-moderate income households, as well as the number of substandard housing units capable of being rehabilitated.

1. Number of Dwelling Units. As shown on the table below, the City's housing stock has experienced steady, modest growth since at least 1990. In 2023, Summit had an estimated 8,603 housing units which represents an increase of 7.5% over the preceding 33 years.

TABLE 8 - DWELLING UNITS (1990-2023)  
CITY OF SUMMIT, NEW JERSEY

Year	Total Dwelling Units	Numerical Change	Percentage Change
1990	8,003	-	-
2000	8,146	143	1.8%
2010	8,190	44	0.5%
2020	8,365	175	2.1%
2023	8,603	238	2.8%

Source: U.S. Decennial Census 1990 - 2020; 2023 American Community Survey 5-Year Estimates.

The following table provides data pertaining to the tenure and occupancy of the City's housing stock. The percentages of owner-occupied (~65%) and renter-occupied (~30%) units has remained stable since 1990. The vacancy rate has fluctuated but generally increased from 3.9% in 1990 to 5.5% in 2023.

TABLE 9 - HOUSING UNITS BY TENURE AND OCCUPANCY STATUS (1990-2023)  
CITY OF SUMMIT, NEW JERSEY

Category	1990		2000		2010		2020		2023	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent	Units	Percent
Owner-Occupied	5,214	65.2%	5,378	66.0%	5,253	64.1%	5,342	63.9%	5,836	67.8%
Renter-Occupied	2,480	31.0%	2,519	30.9%	2,455	30.0%	2,563	30.6%	2,294	26.7%
Vacant	309	3.9%	249	3.1%	482	5.9%	460	5.5%	473	5.5%
<b>Total Units</b>	<b>8,003</b>	<b>100.0%</b>	<b>8,146</b>	<b>100.0%</b>	<b>8,190</b>	<b>0.0%</b>	<b>8,365</b>	<b>100.0%</b>	<b>8,603</b>	<b>100.0%</b>

Source: U.S. Decennial Census 1990 - 2020; 2023 American Community Survey 5-Year Estimates.

2. Housing Characteristics. The following table provides additional information regarding City's housing stock, including data on the number of units in structures and the number of bedrooms in units. As indicated below, in 2023, the City's housing stock consisted of detached single-family (1-unit) detached dwellings representing 66.7%, townhouses (1-unit attached) at 7.3%, two-family dwellings at 5.9% and multifamily (3 or more units) units at 20.2%. The 370 mobile units identified in the 2023 ACS data appears to be an error in the data.

**TABLE 10 - UNITS IN STRUCTURES (1990-2023)**  
CITY OF SUMMIT, NEW JERSEY

Units in Structure	1990		2000		2010 <sup>(1)</sup>		2020 <sup>(1)</sup>		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1-unit, detached	5,069	63.3%	5,118	62.8%	5,178	64.2%	5,492	66.4%	5,738	66.7%
1-unit, attached	323	4.0%	292	3.6%	252	3.1%	685	8.3%	630	7.3%
2 units	606	7.6%	708	8.7%	626	7.8%	423	5.1%	507	5.9%
3 or 4 units	468	5.8%	601	7.4%	336	4.2%	352	4.3%	410	4.8%
5 to 9 units	381	4.8%	322	4.0%	442	5.5%	254	3.1%	275	3.2%
10 to 19 units	331	4.1%	297	3.6%	174	2.2%	417	5.0%	238	2.8%
20 or more units	711	8.9%	799	9.8%	1,041	12.9%	623	7.5%	420	4.9%
Mobile home	1	0.0%	9	0.1%	19	0.2%	29	0.4%	370	4.3%
Boat, RV, van, etc.	113	1.4%	0	0.0%	0	0.0%	0	0.0%	15	0.2%
<b>Total</b>	<b>8,003</b>	<b>100.0%</b>	<b>8,146</b>	<b>100.0%</b>	<b>8,068</b>	<b>100.0%</b>	<b>8,275</b>	<b>100.0%</b>	<b>8,603</b>	<b>100.0%</b>

Source: U.S. Decennial Census 1990 - 2000; American Community Survey 2010 - 2023 5-Year Estimates.

(1) Based on ACS data and as such, differs from data in Tables 1 and 2.

As shown in Table 11 below, in 2023, 73.7% of the City's housing stock had 3 bedrooms or more with 16.4% having 5 or more bedrooms. The numbers of both 1 and 2-bedroom units have declined since 1990 by 190 units and 271 units, respectively.

**TABLE 11 - NUMBER OF BEDROOMS IN HOUSING UNITS (1990-2023)**  
CITY OF SUMMIT, NEW JERSEY

Bedrooms	1990		2000		2010 <sup>(1)</sup>		2020 <sup>(1)</sup>		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
0	38	0.5%	78	1.0%	47	0.6%	47	0.6%	121	1.4%
1	881	11.0%	869	10.7%	906	11.2%	672	8.1%	691	8.0%
2	1,727	21.6%	1,720	21.1%	1,564	19.4%	1,435	17.3%	1,456	16.9%
3	2,453	30.7%	2,510	30.8%	2,264	28.1%	2,745	33.2%	2,716	31.6%
4	1,821	22.8%	1,770	21.7%	2,050	25.4%	1,923	23.2%	2,207	25.7%
5 or More	1,083	13.5%	1,199	14.7%	1,237	15.3%	1,453	17.6%	1,412	16.4%
<b>Total</b>	<b>8,003</b>	<b>100.0%</b>	<b>8,146</b>	<b>100.0%</b>	<b>8,068</b>	<b>100.0%</b>	<b>8,275</b>	<b>100.0%</b>	<b>8,603</b>	<b>100.0%</b>

Source: U.S. Decennial Census 1990 - 2000; 2010 - 2023 American Community Survey 5-Year Estimates.

(1) Based upon ACS data and as such, differs from data in Tables 1 and 2.

3. Housing Age. The following table details the age of the City's housing stock based on the 2023 ACS data. As shown, roughly 2% of the City's existing housing stock was constructed since 2010 while about 81.5% was constructed at least 55 years ago prior to 1970. 33.4% of the City's housing stock was constructed prior to 1940, which contribute to the historic character of Summit which the City aims to preserve.

**TABLE 12 - YEAR STRUCTURE BUILT**  
**CITY OF SUMMIT, NEW JERSEY**

<b>Year Built</b>	<b>Units</b>	<b>Percent</b>
2020 or later	16	0.2%
2010 or 2019	164	1.9%
2000 to 2009	382	4.4%
1990 to 1999	126	1.5%
1980 to 1989	431	5.0%
1970 to 1979	482	5.6%
1960 to 1969	900	10.5%
1950 to 1959	2,563	29.8%
1940 to 1949	667	7.8%
1939 or earlier	2,872	33.4%
<b>Total</b>	<b>8,603</b>	<b>100.0%</b>

*Source: 2023 American Community Survey 5-Year Estimates.*

4. Housing Conditions. An inventory of the City's housing conditions is presented in Tables 13 and 14. Overcrowding is defined as housing units with more than one occupant per room. As shown, the number of housing units in Summit considered to be overcrowded decreased from 1.2% in 1990 to 0.7% in 2023.

**TABLE 13 - OCCUPANTS PER ROOM (1990-2023)**  
**CITY OF SUMMIT, NEW JERSEY**

<b>Occupants Per Room</b>	<b>1990</b>		<b>2000</b>		<b>2010</b>		<b>2020</b>		<b>2023</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
1.00 or less	7,606	98.9%	7,668	97.1%	7,388	98.6%	7,660	99.0%	8,074	99.3%
1.01 to 1.50	59	0.8%	127	1.6%	107	1.4%	74	1.0%	56	0.7%
1.51 or more	29	0.4%	102	1.3%	0	0.0%	0	0.0%	0	0.0%
<b>Total</b>	<b>7,694</b>	<b>100.0%</b>	<b>7,897</b>	<b>100.0%</b>	<b>7,495</b>	<b>100.0%</b>	<b>7,734</b>	<b>100.0%</b>	<b>8,130</b>	<b>100.0%</b>

*Source: U.S. Decennial Census 1990 - 2000; 2010 - 2023 American Community Survey 5-Year Estimates.*

The following table presents additional details regarding housing conditions, including the presence of complete plumbing and kitchen facilities as well as the type of heating equipment used. The data indicates the fact that few units in Summit are characterized as deficient with respect to these critical indices. It is noted that there has been an increase in the use of alternative home fuel sources from 0.6% of the housing stock in 1990 to 1.9% in 2023.

**TABLE 14 - KITCHEN, PLUMBING & HEATING FACILITIES FOR OCCUPIED DWELLING UNITS (1990-2023)**  
CITY OF SUMMIT, NEW JERSEY

Facilities	1990		2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Kitchen:</b>										
With Complete Facilities	7,987	99.8%	7,885	99.8%	7,413	98.9%	7,672	99.2%	8,072	99.3%
Lacking Complete Facilities	16	0.2%	12	0.2%	82	1.1%	62	0.8%	58	0.7%
<b>Plumbing:</b>										
With Complete Facilities	7,975	99.7%	7,897	100.0%	7,458	99.5%	7,734	100.0%	8,115	99.8%
Lacking Complete Facilities	28	0.3%	0	0.0%	37	0.5%	0	0.0%	15	0.2%
<b>Heating Equipment:</b>										
Standard Heating Facilities	7,650	99.4%	7,873	99.7%	7,458	99.5%	7,644	98.8%	7,978	98.1%
Other Means, No Fuel Used	44	0.6%	24	0.3%	37	0.5%	90	1.2%	152	1.9%

Source: U.S. Decennial Census 1990 - 2000; 2010 - 2023 American Community Survey 5-Year Estimates.

5. Home Rents and Purchase Values. In 2023, Summit's median gross rent was \$2,308 as reported by the American Community Survey. More than two-thirds (67.5%) of the City's home rents exceeded \$2,000 in 2023. As shown in the Table below, Summit has historically experienced median gross rents higher than Union County median rents, though that gap has steadily declined where the City's median rent outpaced that of the County by 43% in 2000 but was estimated at 16% in 2023.

**TABLE 15 - GROSS RENT OF SPECIFIED RENTER-OCCUPIED HOUSING UNITS (2000-2023)**  
CITY OF SUMMIT, NEW JERSEY

Rent	2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Less than \$200	43	1.7%	0	0.0%	-	-	-	-
\$200 to \$299	82	3.2%	0	0.0%	-	-	-	-
\$300 to \$499	131	5.2%	86	3.8%	19 <sup>(1)</sup>	0.9%	59 <sup>(1)</sup>	2.9%
\$500 to \$999	748	29.6%	57	2.5%	45	2.0%	51	2.5%
\$1,000 to \$1,499	996	39.4%	141	6.2%	189	8.6%	153	7.4%
\$1,500 to \$1,999	417 <sup>(2)</sup>	16.5%	690 <sup>(2)</sup>	30.5%	752	34.0%	406	19.7%
\$2,000 to \$2,499	-	-	-	-	385	17.4%	590	28.6%
\$2,500 to \$2,999	-	-	-	-	326	14.8%	293	14.2%
\$3,000 or more	-	-	-	-	181	8.2%	514	24.9%
No Cash Rent	109	4.3%	58	2.6%	312	14.1%	59	2.9%
<b>Total</b>	<b>2,526</b>	<b>100.0%</b>	<b>2,259</b>	<b>100.0%</b>	<b>2,209</b>	<b>100.0%</b>	<b>2,066</b>	<b>100.0%</b>
<b>Median Gross Rent</b>	<b>\$1,078</b>		<b>\$1,585</b>		<b>\$1,962</b>		<b>\$2,308</b>	
<b>Union County Median Gross Rent</b>	<b>\$752</b>		<b>\$1,084</b>		<b>\$1,335</b>		<b>\$1,996</b>	

Source: U.S. Decennial Census 1990 - 2000; 2010 - 2023 American Community Survey 5-Year Estimates.

(1) Denotes rents of less than \$500 per revised Census categorization.

(2) Denotes rents of \$1,500 or more per revised Census categorization.



The median value of homes in Summit was \$969,900 in 2023, roughly 98% more than the Union County median home value. The gap between Summit's median home value at more than 98% of the County's in 2023 has declined since 2000 when the City's median home value was 149% more than that of the County's. Since 2000, the City's median home value has increased approximately 107% to where more than 89.8% of homes in Summit have values of \$500,000 or more.

**TABLE 16 - VALUE OF SPECIFIED OWNER-OCCUPIED HOUSING UNITS (2000-2023)**  
CITY OF SUMMIT, NEW JERSEY

Value Range	2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Less than \$50,000	21	0.4%	12	0.2%	14	0.3%	23	0.4%
\$50,000 to \$99,999	19	0.4%	40	0.8%	50	0.9%	19	0.3%
\$100,000 to \$149,999	37	0.8%	1	0.0%	0	0.0%	8	0.1%
\$150,000 to \$199,999	276	5.8%	18	0.3%	25	0.5%	43	0.7%
\$200,000 to \$299,999	898	18.7%	151	2.9%	123	2.2%	75	1.3%
\$300,000 to \$499,999	1368	28.5%	877	16.7%	650	11.8%	428	7.3%
\$500,000 to \$999,999	1651	34.4%	2,224	42.5%	2,530	45.8%	2,467	42.3%
\$1,000,000 or More	529	11.0%	1,913	36.5%	2,133	38.6%	2,773	47.5%
<b>Total</b>	<b>4,491</b>	<b>100.0%</b>	<b>5,236</b>	<b>100.0%</b>	<b>5,525</b>	<b>100.0%</b>	<b>5,836</b>	<b>100.0%</b>
<b>Median Value</b>	<b>\$469,200</b>		<b>\$761,500</b>		<b>\$831,700</b>		<b>\$969,900</b>	
<b>Union County Median Value</b>	<b>\$188,800</b>		<b>\$397,200</b>		<b>\$378,700</b>		<b>\$488,800</b>	

Source: U.S. Decennial Census 2000; 2010 – 2023 American Community Survey 5-Year Estimates.

6. Number of Units Affordable to Low- and Moderate-Income Households. Summit is located in housing Region 2, which is comprised of Union, Essex, Morris, and Warren Counties. Based on the New Jersey Housing and Mortgage and Finance Agency's May 16, 2025 update of its UHAC 2025 Affordable Housing Regional Income Limits by Household Size, the median income for a four-person household in Region 2 household is \$135,300. A four-person moderate-income household earning 80% of the region's median income would have an income not to exceed \$108,240.

An affordable sales price for a four-bedroom moderate-income household earning 80% of the median income is estimated at \$360,000. In 2023, the percentage of housing units in Summit valued at less than \$500,000 was estimated to be 10.2%. For renter-occupied housing, an affordable monthly rent for a four-person moderate-income household is estimated at approximately \$2,706. An affordable monthly rent for a four-person low-income household is estimated at approximately \$1,691. The 2023 American Community Survey data indicates Summit's median gross rent was \$2,308 where 32.5% of rents were less than \$2,000.

7. Substandard Housing Capable of Being Rehabilitated The DCA's October 18, 2024 of "Affordable Housing Obligations for 2025-2035 (4th Round) Methodology and Background" calculated Present Need obligations representing the number of units in a municipality that are in need of rehabilitation and are not likely to experience 'spontaneous rehabilitation'. This DCA report assigned Summit a 4th Round Present Need or Rehabilitation Obligation of 59 units which has been adjusted to 10 units through the City's structural conditions/windshield survey. The City will address its Present Need Obligation by continuing to participate in the Union County Home Improvements Program, as it did in order to satisfy the terms of its 3rd Round Final JOR.



## 2.4 PROJECTION OF MUNICIPAL HOUSING STOCK

The FHA-2 regulations require the HE&FSP to include a projection of the community's housing stock, including the probable future construction of low and moderate-income housing for the ten-year round, which for the 4th Round is from 2025 to 2035. This projection shall be based upon an assessment of data which minimally must include the number of residential construction permits issued, approvals of applications for residential development, and probable residential development of lands. Each of these items are identified and outlined below.

1. Housing Units Constructed During the Last Ten Years. The data in the table below quantifies residential building permits issued for new residential construction during the past 10 years. During this period, a total of 251 residential building permits were issued including 45 for multifamily development. Summit has issued, on average, 25 building permits per year for new residential construction since 2009. A total of 112 residential demolition permits were issued since 2009 resulting in net housing growth of 139 units.

**TABLE 17 - NUMBER OF RESIDENTIAL BUILDING PERMITS ISSUED FOR NEW CONSTRUCTION (2009-2023)**  
**CITY OF SUMMIT, NEW JERSEY**

Year Issued	One & Two Family	Multifamily	Mixed-Use	Total	Demos	Net Growth
2014	23	0	0	23	23	0
2015	18	0	0	18	18	0
2016	42	6	0	48	2	46
2017	21	0	0	21	1	20
2018	23	9	0	32	19	13
2019	14	9	0	23	12	11
2020	10	16	0	26	5	21
2021	26	5	0	31	15	16
2022	18	0	0	18	10	8
2023	11	0	0	11	7	4
<b>Total</b>	<b>206</b>	<b>45</b>	<b>0</b>	<b>251</b>	<b>112</b>	<b>139</b>

Source: New Jersey Construction Reporter.

2. Probable Residential Development of Lands. Given the lack of vacant developable land in Summit, the most significant residential growth the City will experience in the next 10 years will be attributable to infill development at the various sites identified in the Fair Share Plan addressing the City's 4th Round affordable housing obligations as detailed herein.

## 2.5 POPULATION ANALYSIS

The FHA-2 requires that a Housing Element provide data on the municipality's population, including population size, age and income characteristics.

1. Population Size. As indicated in the table below, Summit reached its peak population of 23,677 residents in 1960 which declined thereafter for three decades. Since 2000, the population has gradually increased to a population of 22,512, 4.9% less than the City's peak population in 1960.

TABLE 18 - POPULATION GROWTH  
CITY OF SUMMIT, NEW JERSEY

<b>Year</b>	<b>Total Population</b>	<b>Numerical Change</b>	<b>Percentage Change</b>
1920	10,174	-	-
1930	14,556	4,382	43.1%
1940	16,165	1,609	11.1%
1950	17,929	1,764	10.9%
1960	23,677	5,748	32.1%
1970	23,620	(57)	(0.2%)
1980	21,071	(2,549)	(10.8%)
1990	19,757	(1,314)	(6.2%)
2000	21,131	1,374	7.0%
2010	21,457	326	1.5%
2020	22,719	1,262	5.9%
2023	22,512	(207)	(0.9%)

Source: U.S. Decennial Census 1920 - 2020; 2023 American Community Survey 5-Year Estimates.

2. Age Characteristics. The City's age characteristics are outlined in the table below. As shown, Summit's median age increased from 37.3 in 2000 to 40.6 in 2023. 21.5% of the population is school-aged (5 to 19) while 13.3% is 65 and over. The age cohort 25 to 34 years has been reduced by almost half from 14.3% of the population in 2000 to 7.6% in 2023. Meanwhile, the group 55 to 64 years old has increased from 8.9% of the population to 15.3% in the same period.

**TABLE 19 - AGE CHARACTERISTICS (1990-2023)**  
CITY OF SUMMIT, NEW JERSEY

Age	2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Under 5 years	1,815	8.6%	1,462	6.8%	1,357	6.0%	1,379	6.1%
5 to 19 years	4,118	19.5%	5,131	23.9%	4,954	21.8%	4,850	21.5%
20 to 24 years	688	3.3%	696	3.2%	1,178	5.2%	1,290	5.7%
25 to 34 years	3,023	14.3%	1,980	9.2%	2,066	9.1%	1,706	7.6%
35 to 44 years	3,953	18.7%	3,516	16.4%	3,178	14.0%	3,335	14.8%
45 to 54 years	2,886	13.7%	3,751	17.5%	3,656	16.1%	3,591	16.0%
55 to 64 years	1,879	8.9%	2,378	11.1%	2,929	12.9%	3,439	15.3%
65 to 74 years	1,373	6.5%	1,239	5.8%	1,667	7.3%	1,714	7.6%
75 to 84 years	1,047	5.0%	865	4.0%	886	3.9%	807	3.6%
85 years +	349	1.7%	439	2.1%	435	1.9%	470	2.1%
<b>Total</b>	<b>21,131</b>		<b>21,457</b>		<b>22,719</b>		<b>22,512</b>	
<b>Median Age</b>	<b>37.3</b>		<b>39.7</b>		<b>39.7</b>		<b>40.6</b>	

Source: U.S. Decennial Census 1990 - 2010; 2020 - 2023 American Community 5-Year Estimates.

3. Average Household Size. From 1980 to 2023, the average household size for homes in Summit has remained relatively stable, around 2.7.

**TABLE 20 - AVERAGE HOUSEHOLD SIZE (1980-2023)**  
CITY OF SUMMIT, NEW JERSEY

Year	Average Household Size
1980	2.69
1990	2.54
2000	2.67
2010	2.77
2020	2.80
2023	2.75

Source: U.S. Decennial Census 1980 - 2000; 2010 - 2023 American Community Survey 5-Year Estimates.

4. Household Income. Detailed housing income figures are shown in the table below. As shown, the median income for the City's households has increased by approximately 114% since 1999. The City's household income has historically been higher than that of Union County, including in 2023 when Summit's median household income was 98.8% more than the County as a whole.

TABLE 21 - HOUSEHOLD INCOME DISTRIBUTION (1999-2023)  
CITY OF SUMMIT, NEW JERSEY

Income Category	1999		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Less than \$10,000	349	4.4%	315	4.2%	162	2.1%	187	2.3%
\$10,000 to \$14,999	264	3.3%	135	1.8%	62	0.8%	24	0.3%
\$15,000 to \$24,999	386	4.9%	510	6.8%	518	6.7%	407	5.0%
\$25,000 to \$34,999	410	5.2%	285	3.8%	178	2.3%	114	1.4%
\$35,000 to \$49,999	647	8.2%	727	9.7%	433	5.6%	301	3.7%
\$50,000 to \$74,999	1,088	13.8%	660	8.8%	750	9.7%	512	6.3%
\$75,000 to \$99,999	1,026	13.0%	697	9.3%	1,013	13.1%	724	8.9%
\$100,000 to \$149,999	1,289	16.3%	1,297	17.3%	820	10.6%	1,081	13.3%
\$150,000 to \$199,999	608	7.7%	637	8.5%	712	9.2%	724	8.9%
\$200,000 or more	1,826	23.1%	2,226	29.7%	3,086	39.9%	4,057	49.9%
<b>Total</b>	<b>7,893</b>	<b>100.0%</b>	<b>7,459</b>	<b>100.0%</b>	<b>7,734</b>	<b>100.0%</b>	<b>8,130</b>	<b>100.0%</b>
Summit Median Household Income	\$92,964		\$109,602		\$142,845		\$199,107	
Union County Median Income	\$55,339		\$66,355		\$82,644		\$100,117	

Source: U.S. Decennial Census 2000; 2010 – 2023 American Community Survey 5-Year Estimates.

5. Housing Cost-Burden. Households that pay more than thirty percent (30%) of their income for housing are considered to be cost-burdened, and may have difficulty affording basic necessities such as food, clothing, transportation, and medical care. Despite the fact that the City has a higher median income than Union County, the 2023 ACS estimates that approximately 21.8% of owner-occupied housing units and 45.2% of renter-occupied housing units have housing costs greater than thirty percent (30%) of their incomes.

TABLE 22 - HOUSING COST AS PERCENTAGE OF INCOME (2023)  
CITY OF SUMMIT, NEW JERSEY

Percentage of Income	Owner-occupied <sup>(1)</sup>		Renter-occupied	
	Number	Percent	Number	Percent
Less than 15.0%	-	-	642	28.0%
15.0% to 19.9%	3,151(2)	54.3% <sup>(2)</sup>	167	7.3%
20.0% to 24.9%	1,088	18.7%	275	12.0%
25.0% to 29.9%	331	5.7%	171	7.5%
30.0% to 34.9%	293	5.0%	119	5.2%
35.0% or more	941	16.2%	662	28.9%
Not computed	32	0.6%	258	11.2%
<b>Total Occupied Units</b>	<b>5,804</b>	<b>100.0%</b>	<b>2,294</b>	<b>100.0%</b>

Sources: 2023 American Community Survey 5-Year Estimates.

(Note: Does not include households with zero or negative income)

(1) Includes owner-occupied units with and without mortgages.

(2) Denotes percentage of income of less than 20.0%.

## 2.6 EMPLOYMENT ANALYSIS

The FHA-2 requires that a Housing Element include data on employment levels in the community. The following tables present information on the City's employment characteristics.

1. Employment Status. Table 23 provides information on the employment status of City residents aged 16 and over. Since 2000, participation in the labor force has increased from 65.3% of the population 16 and over to 69.4% in 2023. The unemployment rate increased from 1.6% to 3.0% in that same period.

TABLE 23 - EMPLOYMENT STATUS- POPULATION 16 & OVER (2000-2023)  
CITY OF SUMMIT, NEW JERSEY

Employment Status	2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
In labor force	10,473	65.3%	10,091	64.6%	11,241	67.6%	12,165	69.4%
Civilian labor force	10,473	65.3%	10,091	64.6%	11,222	67.4%	12,165	69.4%
Employed	10,216	63.7%	9,439	60.5%	10,582	63.6%	11,638	66.4%
Unemployed	257	1.6%	652	4.2%	640	3.8%	527	3.0%
Armed Forces	0	0.0%	0	0.0%	19	0.1%	0	0.0%
Not in labor force	5,566	34.7%	5,522	35.4%	5,398	32.4%	5,372	30.6%
Total Population 16 and Over	16,039		15,613		16,639		17,537	

Source: U.S. Decennial Census 2000; 2010 – 2023 American Community Survey 5-Year Estimates.

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of employed Summit residents. As indicated, the management, business, science and arts occupations represent the largest category of employed residents since at least 2000 to where in 2023 this category represented 61.4% of the workforce. The other two most significant categories are sales and office at 19.2% and service at 10.3% in 2023. It is noted that there has been a meaningful gain in the natural resources, construction and maintenance category which increase from 0.1% of the workforce in 2000 to 5.1% in 2023.

TABLE 24 - EMPLOYED RESIDENTS AGED 16 AND OVER BY OCCUPATION (2000-2023)  
CITY OF SUMMIT, NEW JERSEY

Occupation	2000		2010		2020		2023	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Management, Business, Science & Arts	5,983	58.6%	4,961	52.6%	6,230	58.9%	7,145	61.4%
Service	1,079	10.6%	1,438	15.2%	1,608	15.2%	1,201	10.3%
Sales & Office	2,287	22.4%	2,211	23.4%	1,896	17.9%	2,232	19.2%
Natural Resources, Construction & Maintenance	11	0.1%	423	4.5%	492	4.6%	599	5.1%
Production, Transportation & Material Moving	498	4.9%	406	4.3%	356	3.4%	461	4.0%
Total	10,216	100.0%	9,439	100.0%	10,582	100.0%	11,638	100.0%

Source: U.S. Decennial Census 2000; 2010 - 2023 American Community Survey 5-Year Estimates.

In 2023, the three largest categories of industry representing Summit's employed workforce were finance, insurance, real estate and rental and leasing at 24.2%, education, health and social services at 18.3% and professional, scientific, management, administrative and waste management services at 17.4%, resulting in a total of 59.9 of this population.

**TABLE 25 - EMPLOYED RESIDENTS AGE 16 AND OVER, BY INDUSTRY (2000-2023)**  
CITY OF SUMMIT, NEW JERSEY

<b>Industry</b>	<b>2000</b>		<b>2010</b>		<b>2023</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
Agriculture, forestry, fishing, hunting and mining	20	0.2%	18	0.2%	61	0.5%
Construction	371	3.6%	458	4.9%	351	3.0%
Manufacturing	1,087	10.6%	571	6.0%	1042	9.0%
Wholesale trade	298	2.9%	185	2.0%	220	1.9%
Retail trade	773	7.6%	480	5.1%	368	3.2%
Transportation and warehousing, and utilities	218	2.1%	238	2.5%	356	3.1%
Information	685	6.7%	326	3.5%	402	3.5%
Finance, insurance, real estate and rental and leasing	2,004	19.6%	2,052	21.7%	2814	24.2%
Professional, scientific, management, administrative and waste management services	1,673	16.4%	1,982	21.0%	2029	17.4%
Educational, health and social services	1,847	18.1%	1,761	18.7%	2134	18.3%
Arts, entertainment, recreation, accommodation and food services	476	4.7%	539	5.7%	1153	9.9%
Other services	490	4.8%	597	6.3%	443	3.8%
Public administration	274	2.7%	232	2.5%	265	2.3%
<b>Total</b>	<b>10,216</b>	<b>100.0%</b>	<b>9,439</b>	<b>100.0%</b>	<b>11,638</b>	<b>100.0%</b>

*Source: 2000 U.S. Decennial Census; 2010 & 2023 American Community Survey 5-Year Estimates.*

## 2.7 EMPLOYMENT PROJECTIONS

A projection of Summit's probable future employment characteristics is based on an assessment of historic employment trends, the number of non-residential construction permits issued, and probable non-residential development of lands. Each of these items are identified and outlined below.

1. Historic Employment Trends. For the 10-year period from 2014 to 2023, employment in Summit consistently increased with the exception of 2020 which was the peak of the COVID-19 pandemic when much of the economy came to a halt but recovered quickly thereafter. Summit remains a major regional employment center with a variety of opportunities in the Downtown, including retail, service and professional jobs, as well as the Bristol Myers Squibb research and development campus in the PROD Zone, Kenvue (spinoff of Johnson & Johnson) campus being developed in the PROD-2 Zone, Overlook Hospital, commercial corridors along Morris Avenue, Broad Street and River Road and several public and private schools. It is noted that while much of New Jersey's suburban office market has suffered in the wake of the pandemic, Summit's office market currently commands among the highest premiums for office space in the State. It is anticipated that the job market will remain stable, with an increase in jobs once the Kenvue campus is developed and occupied in several years.

**TABLE 26 - COVERED EMPLOYMENT TRENDS (2014-2023)**  
CITY OF SUMMIT, NEW JERSEY

<b>Year</b>	<b>Number of Jobs</b>	<b>Change in Number of Jobs</b>	<b>Percent Change</b>
2014	15,987	-	-
2015	16,418	431	2.7%
2016	16,962	544	3.3%
2017	17,233	271	1.6%
2018	17,311	78	0.5%
2019	17,797	486	2.8%
2020	16,413	(1,384)	(7.8%)
2021	17,592	1,179	7.2%
2022	19,245	1,653	9.4%
2023	19,553	308	1.6%

*Sources: Department of Labor and Workforce Development*

2. Non-Residential Square Footage Constructed During the Last Ten Years. The table below indicates there was an increase in non-residential space in almost all categories except hotel/motel in Summit from 2014 to 2023. Much of the increase in office space is attributable to recent development at the Bristol Myers Squibb campus in the PROD Zone which replaced several obsolete buildings. It is noted that there were also significant increases in assembly, education, institutional and storage spaces during this 10-year period.

**TABLE 27 - NON-RESIDENTIAL SPACE AUTHORIZED BY BUILDING PERMITS (2014 – 2023)**  
CITY OF SUMMIT, NEW JERSEY

Year	Office	Retail	A-1 thru A-5	Multifamily/ Dormitories	Hotel/ Motel	Education	Industrial	Institutional	Storage	Signs, Fences, Utility & Misc.
2014	39,729	0	13,345	0	0	0	0	0	0	3,508
2015	0	0	801	0	0	46,650	0	0	0	3,072
2016	2,749	NA	0	4,000	0	33,180	0	1,552	0	1,116
2017	2,786	2,560	17,952	9,896	0	0	0	0	0	1,186
2018	14,704	0	64	44,266	0	0	0	106,179	0	4,268
2019	9,683	0	0	45,100	0	0	0	0	0	1,892
2020	336,472	0	29,942	0	0	0	15,318	0	334,600	1,955
2021	42,009	0	0	10,066	0	0	0	426	0	0
2022	0	0		10,066	0	0	0	426	0	1,302
2023	0	0	8,4349	0	0	0	0	0	0	1,387
<b>Total</b>	<b>448,132</b>	<b>2,560</b>	<b>146,453</b>	<b>123,394</b>	<b>0</b>	<b>79,830</b>	<b>15,318</b>	<b>108,583</b>	<b>334,600</b>	<b>19,686</b>

Source: New Jersey Department of Community Affairs (DCA) Construction Reporter.

3. Probable Non-Residential Development of Lands. Opportunities for the development of new non-residential development in Summit are limited given the lack of available vacant or developable land. Any new nonresidential development or redevelopment will occur as infill development in areas that permit such uses in accordance with the City's Development Regulations Ordinance ("DRO") and Master Plan.
4. Probable Future Employment Characteristics. The lack of available land to develop new non-residential spaces corresponds to limited opportunities for any significant increase in job creation in Summit in the next 10 years. However, it is anticipated that Summit will continue to increase its appeal as a regional employment center featuring convenient highway access, two-way rail line serviced by two NJ Transit lines and proximity to New York City and Newark Airport, among other notable destinations. The completion of the Kenvue campus in the PROD-2 Zone will generate a meaningful increase in local employment that will have the ancillary benefit of supporting other nonresidential uses in Summit.



## Section 3: Fair Share Obligation

The following section provides an overview of the City's fair share obligation. It includes a brief overview of the methodology utilized to calculate affordable housing obligations throughout the State.

### 3.1 SUMMARY OF FAIR SHARE OBLIGATION

On March 20, 2024, Governor Murphy signed Bill A4/S50 Bill into law, thereby significantly amending the Fair Housing Act ("FHA") originally adopted in 1985. The amended FHA commonly referred to as the Fair Housing Act-2 ("FHA-2") eliminated COAH and created the new Affordable Housing Dispute Resolution Program ("The Program") consisting of seven retired Mount Laurel judges to review municipal compliance plans and resolve disagreements between municipalities and objectors. The legislation also tasked the DCA with calculating municipal Present and Prospective Need obligations, and the Administrative Office of the Courts (AOC) with creating rules related to the required procedures for the Program and the Courts to function together in accordance with the FHA-2. The FHA-2 also established a new methodology for calculating municipal affordable housing-need numbers, municipal compliance requirements and administrative review process through the Program for the 4th and subsequent rounds. These rounds span a period of 10 years each whereas the 1<sup>st</sup> and 2nd Rounds administered by COAH covered 6-year periods. The 3rd Round extending from 1999 to 2025 (26 years) was an anomaly due to extensive litigation and COAH becoming dysfunctional to such a degree that the Court ruled it could no longer administer the State's affordable housing process and returned it to the trial courts.

The FHA-2 designates DCA as the entity responsible for calculating the State's regional affordable housing needs. Specifically, N.J.S.A. 52:27D-304.2 establishes the methodology to be utilized by DCA to determine the State's regional prospective needs of low- and moderate-income housing for the ten-year period spanning from July 1, 2025 to June 30, 2035. In summary, the projected household change for this period is estimated by establishing the household change experienced in each of the State's six regions between the most recent federal decennial census and the second-most recent decennial census. This household change, if positive, is then divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region for the next ten years. According to the DCA, this methodology resulted in a statewide prospective need of 84,698 low- and moderate-income units.

In addition, DCA was tasked with calculating individual municipal present need (rehabilitation) and prospective need obligations. However, the FHA-2 states that these DCA calculations are advisory and non-binding, and that each municipality is responsible for determining its own obligation utilizing the same methodology.

On January 21, 2025 the City adopted a "binding resolution" (see Appendix) accepting DCA's calculated Present Need of 59 units and Prospective Need of 345 units thereby establishing the City's 4th Round affordable housing obligations. The City's 4th Round obligation was subsequently confirmed by Judge's Order on May 5, 2025 (see Appendix).

In addition, the Resolution also noted that Summit reserved the right to conduct a vacant land analysis to determine its realistic development potential and to adjust its Present Need through the completion of a structural conditions/windshield survey as discussed in greater detail herein. This analysis resulted in a Present Need (rehabilitation) obligation of 10 units, a 4<sup>th</sup> Round RDP of 18 units and an unmet need of 327 units.

TABLE 28 –SUMMARY OF 4TH ROUND FAIR SHARE OBLIGATION  
CITY OF SUMMIT, NEW JERSEY

Round	Units/Credits
Present Need (Rehabilitation) Obligation	59 units
4th Round Obligation (2025 – 2035)	345 units

## 3.2 REALISTIC DEVELOPMENT POTENTIAL

The City of Summit is a fully developed community and is therefore entitled to adjust its Prospective need obligation in accordance with the procedure set forth in the FHA. Specifically, N.J.S.A. 52:27D-310.1 permits municipalities to perform a realistic development potential analysis by seeking a vacant land analysis. The City has received Court-approval of its 3rd Round HE&FSP, inclusive of a vacant land adjustment, resulting in a Final Judgment of Compliance and Repose, and this is a continuation of that acknowledgement that the City is fully developed and entitled to a VLA and RDP adjustment.

An RDP analysis requires an identification of vacant sites and underutilized sites in a municipality. Municipalities are required to consider all privately and municipally owned vacant parcels, as well as underutilized sites such as driving ranges, farms in SDRP Planning Areas 1 and 2, nurseries, golf courses not owned by their members, and non-conforming uses.

However, municipalities are also permitted to eliminate a site, or a portion of a site, based on a variety of factors, including: lands dedicated for public uses other than housing since 1997; parklands or open space; vacant contiguous parcels in private ownership of a size which would accommodate fewer than five housing units; historic and architecturally important sites listed on the State Register of Historic Places or the National Register of Historic Places; preserved architectural lands; sites designated for active recreation; and environmentally sensitive lands.

### 1. 3rd Round RDP

The City's Prior Round and 3rd Round Prospective Need obligations were adjusted by a Court-approved VLA which calculated the City's RDP at 36 units, as set forth in the City's 2016 Court-approved Settlement Agreement with FSHC and the 2018 3rd Round HE&FSP. The City's combined Prior Round and 3rd Round RDP was approved in the Court's October 31, 2016 Order approving the 2016 Settlement Agreement between the City and FSHC, and reaffirmed when the Court issued Summit's 3rd Round Final JOR on January 22, 2019.

### 2. 4th Round RDP

Summit is a fully developed community that continues to lack vacant, developable land and is entitled to rely on its previous court-approved VLAs, which established its Prior Rounds' (Rounds 1-3) RDP. This is informed by COAH's regulations regarding same at N.J.A.C. 5:97-5.1(c) and (d), as well as the City's 2016 Settlement Agreement with FSHC. Specifically, N.J.A.C. 5:97-5.1(c) and (d) state that:

*A vacant land adjustment that was granted as part of a (previous) round certification or judgment of compliance shall continue to be valid provided the municipality has implemented all of the terms of the substantive certification or judgment of compliance. If the municipality failed to implement the terms of the substantive certification or judgment of compliance, the Council may reevaluate the vacant land adjustment.*

Further, the City's Court-approved 2016 Settlement Agreement with FSHC states that "The City's RDP shall not be revisited by FSHC or any other interested party absent a substantial changed circumstance." In addition, FSHC vs Twp. of Cherry Hill, 173 NJ 303 (2002) is the leading case that required a possible recalibration of an RDP based upon only such "changed circumstances."

As such, the City's 4th Round VLA included a review of development applications and activity since 2018, vacant privately and publicly owned parcels (Property Classes 1 and 15C) and farm qualified (Class 3B) properties within Planning Areas 1 and 2 in the City. The VLA revealed the changed circumstances or newly vacant properties which meet the criteria to qualify as contributing to the City's RDP are limited to the recent vacancy of the Summit's former firehouse site. Specifically, Block 2706 Lot 3 became vacant in 2024 when the Fire Department relocated to its new headquarters on Broad Street. The City's maximum presumptive density of 12 units per acre as approved by the Court in its 3rd Round JOR as applied to this 0.68-acre parcel generates an RDP of 1.6 units.

The City's 4th Round RDP as calculated from its most recent VLA, including the recently vacant firehouse lot, identifies 5 sites totaling 9.24 acres which generate an RDP of 18 units. It is noted that 190 River Road and Harman Holdings are sites where developers have offered proposals for inclusionary development. A summary of the parcels contributing to this 4th RDP are provided below. The City's complete VLA summary and accompanying map are attached hereto in the Appendix.

**TABLE 29 – SUMMARY OF 4TH ROUND RDP**

Sites	Block	Lot(s)	Land Area	Presumptive Density	Total Units	RDP
10 Friar Tuck Circle	3501	56	1.91 ac	6 du/ac	12	2.4
53 & 47 Shunpike Road	4101	32,33	1.48 ac	6 du/ac	9	1.8
Summit Firehouse Site	2706	3	0.68 ac	12 du/ac	8	1.6
190 River Road	102	1	4.40 ac	12 du/ac	53	10.6
Harmon Holdings	4008	8,9,11	0.77 ac	12 du/ac	9	1.8
<b>Total</b>			<b>9.24 ac</b>	<b>-</b>	<b>91</b>	<b>18.2</b>

## Section 4: Fair Share Plan

This Fair Share Plan component of Summit's 2025 HE&FSP outlines the way the City will address its affordable housing obligations. These obligations are summarized as follows:

TABLE 30 – CITY OF SUMMIT AFFORDABLE HOUSING OBLIGATIONS SUMMARY

Category	Obligation	Unmet Need
1 <sup>st</sup> & 2 <sup>nd</sup> Round Obligation (1987-1999)	171 units reduced to 36-unit combined Prior Round & 3 <sup>rd</sup> Round RDP through a VLA*	N/A
3rd Round Obligation (1999-2025)	567 units reduced to 36-unit combined Prior Round & 3 <sup>rd</sup> Round RDP through a VLA*	702 units (combined)
4th Round Obligation (2025-2035)	345 units reduced to 18-unit RDP through a VLA*	327 units
Present Need (Rehabilitation) Obligation	59 reduced to 10 units through a 'windshield' survey	N/A

\* RDP = Realistic Development Potential. VLA = Vacant Land Adjustment.

As detailed herein, this HE&FSP addresses the manner in which the City will address its affordable housing obligations through 2035, in a manner that affirmatively addresses affordable housing need while at the same time addressing planning concerns and maintaining the overall character of the community.

### 4.1 GENERAL PROVISIONS

The following additional requirements are noted:

1. 4th Round Bonuses. 4th Round bonuses will be applied in accordance with N.J.A.C. 52:27D-311.k.
2. Very-Low Income and Low-Income Units. At least 50 percent of the units addressing the 4th Round Prospective Need obligation shall be affordable to very low-income and low-income households with the remainder affordable to moderate-income households. A minimum of 13 percent of the affordable units will be made available to very low-income households, defined as households earning 30 percent or less of the regional median income by household size.
3. Rental Component. At least 25 percent of the Round's Prospective Need obligation shall be met through rental units, including at least half of the rental units available to families.
4. Families. At least half of the actual units created to address the Round's Prospective Need obligation must be available to families.
5. Age-Restricted Cap. No more than 30 percent of all units developed or planned to meet the Round's Prospective Need obligation shall be met with age-restricted units.

## 4.2 PLAN COMPONENTS

The Summit's various plan mechanisms to address its affordable housing obligations are summarized below. The Plan Components Map at the end of this section illustrates the locations of all of the plan components identified herein.

### 1. Present Need (Rehabilitation) Obligation

The DCA assigned Summit a Present Need obligation of 59 units which the City accepted on January 21, 2025 in its Resolution No. 41452. The City modified its 4th Round Present Need Obligation to 10 units through a structural conditions/windshield survey in accordance with N.J.A.C. 5:93-5.2, which is attached hereto in the Appendix.

The City will commit an average of \$10,000 per unit, consistent with COAH's 2nd Round Rules. This will require a total contribution of approximately \$100,000 from the City's Affordable Housing Trust Fund, pursuant to the phasing schedule prescribed in COAH's 2nd Round Rules. This is detailed in the draft Spending Plan set forth in the Appendix. The City will continue to participate in the Union County Home Improvement Program, as it did in the 3rd Round.

Pursuant to COAH's rules that allow municipalities to utilize money collected from development fees for this purpose, the City shall set aside the required \$100,000 noted above to be made available to income-qualified households to participate in the program. As of June 2, 2025 that account contains a balance of \$2,037,744.49, thus demonstrating the availability of funds for this purpose.

### 2. Prior Rounds (Rounds 1 through 3) Obligations

In accordance with the City's Court-approved 2016 Settlement Agreement with FSHC and 2018 Court-approved HE&FSP, the City had a combined 1st and 2nd Round obligation of 171 units and a 3rd Round Prospective Need of 567 units. The City's 3rd Round VLA resulted in the adjustment of its obligation through a court-certified RDP of 36 units and Unmet Need (the difference between the Prospective Need obligation and RDP) of 702 units.

Summit utilized several plan mechanisms to address the entirety of its 3rd Round RDP and the goal of facilitating the construction of 50 new units of affordable housing toward its Unmet Need ("50 New Units") stipulated in the 2016 Settlement Agreement, including group homes, 100% affordable projects, an assisted living facility, senior units and inclusionary development as summarized in the following two tables.

TABLE 31 – PLAN COMPONENTS SATISFYING 3RD ROUND RDP

Plan Mechanisms	Address	Block/Lot	Unit Type	# Units	Bonus Credits	Total Credits	Project Status
<u>Group Homes</u>							
Our House, Inc.	43 Glendale Ave.	246/4	Group Home	4	4	8	Completed
<u>Assisted Living</u>							
Sunrise	22 River Rd.	201/9.01	Senior	8	1	9	Completed
<u>100% Affordable – For Sale</u>							
Habitat for Humanity	39 Morris Ave.	3908/7.01-7.06	Family	6	0	6	Completed
<u>100% Affordable – For Rent</u>							
Tiger Baron	120 Morris Ave.	4209/1	Family	2	2	4	Completed
<u>Inclusionary Development</u>							
Parmley Place	50 Parmely Pl.	2606	Family	2	2	4	Completed
<u>Off-Site Units</u>							
Summit Pl.	13 North St.	3901/10	Family	3	0	3	Completed
68-72 Franklin Pl.	31 Russell Pl.	4210/2	Family	2	0	2	Completed
<b>RDP 36 Total</b>				<b>27</b>	<b>9 <sup>(1)</sup></b>	<b>36</b>	<b>-</b>

(1) Bonus credits can satisfy up to 25% of the RDP/Prospective Need obligation.

TABLE 32 – PLAN COMPONENTS SATISFYING 3RD ROUND “50 NEW UNITS” TOWARD UNMET NEED

Plan Mechanisms	# of AH Units	50-Unit Goal	Unit Type	Unit/Bedroom Counts	Project Status
100% Affordable Senior Project with BCUW (Methodist Church)	12	12	Senior	Studio-2BR; UHAC/DCA funding Requirements	MOU signed by Parties
412 Morris (MF Zone)	1	1	Family	2BR Low	Occupied
146 Morris (Habitat for Humanity)	12	12	Family	6-2BR 6-3BR	Constructed & being filled
123-127 Summit Avenue	3	3	Family	3BR Mod 1BR Low 2BR Low	Occupied
557-565 Morris (46-unit Project)	7	7	Family	UHAC Requirements	Approved
Our House – Future Group Home	4	4	SSN	Special needs n/a	Agreement executed by Parties
St. Teresa’s 100% affordable	11	11	2 Family, 9 can be senior/SSN	UHAC Requirements	Planning Phase
<b>Total for Plan:</b>		<b>50</b>	<b>Per consent order with FSHC</b>		

### 3. 4th Round Obligation

The City's January 2025 Resolution also noted that the City reserved the right to seek an adjustment of its 4th Round Prospective Need number based upon a lack of vacant, developable and suitable land. Accordingly, the City conducted a 4th Round VLA which concluded that the City has an RDP of 18 units and therefore an Unmet Need (difference between Prospective Need and RDP) of 327 units.

The plan mechanisms that satisfy the entirety of Summit's 4th Round RDP and a portion of its Unmet Need are summarized in the following two tables.

**TABLE 36 – PLAN COMPONENTS SATISFYING 4TH ROUND RDP**

Plan Mechanisms	Address	Block/Lot	Unit Type	# Units	Bonus Credits	Total Credits	Project Status
Summit Pace Off-Site	708-710 Springfield Ave	2901/24	Family	4	0	4	Constructed & Occupied; Approved by the Court in Round 3
Providence Crossing	785 Springfield Ave	1604/7	Family	2	1	3	Constructed & Occupied; Approved by the Court in Round 3
Promenade	545 Morris Ave	404/1-4	Family	5	2	7	Constructed & Occupied; Approved by the Court in Round 3
4-6 Ashwood Avenue	86 Park Ave, #103	4006/2.02	Family	2	1	3	Constructed & Occupied; Approved by the Court in Round 3
Harmen Holdings	Broad St., Ashwood Ave., Morris Ave.	4008/8,9,11	Family Rental	1 (of 4)	0	1	To be rezoned
<b>Total</b>				<b>14</b>	<b>4</b>	<b>18</b>	<b>-</b>

TABLE 37 – PLAN COMPONENTS SATISFYING 4TH ROUND UNMET NEED

Plan Mechanisms	Address	Block/Lot	Unit Type	# AH Units	Project Status
Harmen Holdings	Broad St., Ashwood Ave., Morris Ave.	4008/8,9,11	Family	3 (of 4)	To be rezoned
Glenwood Place (Summit Housing Authority or SHA)	50 Glenwood Pl.	2614/12	Family	40	Constructed & Occupied (Removal of Residency Preference Required)
Weaver St. Apartments (SHA)	2 Weaver St.	1302/43	Family	30	Constructed & Occupied (Removal of Residency Preference Required)
Vito A. Gallo Senior Apartments (SHA)	12 Chestnut Ave.	2702/3	Senior	125	Constructed & Occupied (Removal of Residency Preference Required)
MBC Overlay Zone	Morris Ave., Broad St., Cedar St.	2706/1,2,3,4	Family	7	Adopted
Our House Group Home	1 Greenfield Ave.	401/50	SSN	4	Constructed & Occupied
Brandywine Assisted Living	41 Springfield Ave.	3802/28	Senior	10	Constructed & Occupied
Elizabeth RCA	N/A	N/A	RCA	26	Approved by COAH & Court
Overlay Zone 1	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 2	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 3	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 4	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 5	25 Deforest Ave.	1906/1	Family	-	Adopted
Overlay Zone 6	See Section 4	See Section 4	Family	-	Adopted
Overlay Zone 7 (Habitat for Humanity Project)	146 Morris Ave.	4208/1	Family	12	Constructed
Extension of Expiring Controls	-	-	-	-	As needed
Mandatory Set-Aside Ordinance	City-Wide	-	-	-	Adopted
Development Fee Ordinance	City-Wide	-	N/A	-	Adopted



It is noted that the FHA-2 includes language which requires municipalities that adjust their Prospective Need obligation through a VLA to satisfy at least 25 percent of their 4th Round RDP obligation through redevelopment. Specifically, amended Section 1 of P.L.1995, c.231 (C.52:27D-310.1) of the FHA-2 states:

*Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.*

As established by Summit's 4th Round VLA, the City's "prospective need obligation that has been adjusted," or its RDP obligation, is 18 units. As such, the City's redevelopment obligation is 5 units (25% of 18 RDP units). The City's redevelopment obligation will be addressed through 5 units at the mixed-use Promenade development that is constructed and occupied.

### 4.3 DEVELOPMENT SITES

Each of the City's affordable housing sites identified in Section B. is discussed in more detail below. The Plan Components Map included at the end of this plan illustrates the location of all developments identified herein.

All site's included in the City's Fair Share Plan must meet the site suitability criteria set forth in N.J.A.C. 5:93-1.3 listed below. While a site suitability analysis is not technically required for plan mechanisms addressing unmet need, the information presented herein pertaining to Summit's various plan mechanisms addresses this site suitability criteria.

<b><u>Approvable Site:</u></b>	A site that may be developed for low and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate-income housing.
<b><u>Available Site:</u></b>	A site with clear title, free of encumbrances which preclude development for low and moderate-income housing.
<b><u>Developable Site:</u></b>	A site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.
<b><u>Suitable Site:</u></b>	A site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

The City's various plan mechanisms were selected based on a variety of considerations including the goal of distributing affordable housing throughout the City in scattered sites in appropriate locations, consistent with Summit's Master Plan and Development Regulations Ordinance. Summit also endeavors to provide a diversity of affordable housing options that addresses the needs of different populations within the City and region. Other considerations include proximity to public transportation and regional roadways, walkability to amenities, opportunities for appropriately scaled infill development, compatibility within the context of the surrounding community and minimizing impacts with respect to existing uses and neighborhoods while recognizing that planning is a function of balancing competing impacts. In addition, the sites presented in this plan are located within or adjacent to existing water and sewer utility areas allowing for future connectivity as may be required to accommodate the developments with sufficient capacity for same. The 2025 HE&FSP in total provides a realistic opportunity to satisfy the City's constitutional affordable housing obligation for the 4<sup>th</sup> Round.

A composite map depicting all of the sites noted below is provided at the end of this section of this report.

1. Prior Round Sites RDP & 50 New Units. The City's 36-unit RDP was approved by the Court in its 2019 Final Judgment of Compliance and Repose. All units determined to be creditworthy by the Court against the City's combined Prior Round and 3rd Round RDP, including surplus units, have been constructed and occupied.

A. Our House, Inc. Group Home (43 Glendale Avenue)

Our House, Inc. operates an existing group home at Block 246 Lot 4 which includes a total of 4 bedrooms. These 4 bedrooms units plus four (4) bonus credits) for a total site credit of 8 were approved in the City's 2019 FINAL JOR.



### B. Sunrise Assisted Living

The Sunrise Assisted Living and Memory Care facility at 26 River Road, Block 201 Lot 9.01, was developed with 80 units including a required set-aside for Medicaid eligible beds of 10% or 8 units. In addition, the site is eligible for 1 additional bonus credit within the maximum permitted 25% bonus cap for a total of 9 credits approved by the Court toward the City's 3rd Round RDP.





C. Habitat for Humanity 100% Affordable For Sale Units (39 Morris Avenue)

Habitat for Humanity's 39 Morris Avenue site is a 100% affordable development consisting of 6 for-sale family units developed in 2012 that were applied to City's 3<sup>rd</sup> Round RDP as approved by the Court.



D. Tiger Baron 100% Affordable Rental Units

Summit in collaboration with the Summit Housing Authority created 2 units of affordable housing at 120 Morris Avenue, Block 4209 Lot 1, occupied by Oakes Memorial Methodist Church. This project is attributable to the Tiger Baron Foundation Oakes Center at this location. This site was approved by the Court for 2 additional rental bonus credits for a total of 4 credits applied to the City's 3<sup>rd</sup> Round RDP.



E. 50 Parmley Place Inclusionary Units

The Hilltop development at 50 Parmley Place, Block 2606, includes a mix of office space, 33 condo apartments and 4 townhouses, including two on-site affordable family rental units developed in 2012. The Court-approved 2 additional rental bonus credits results in a total of 4 credits applied to the City's 3<sup>rd</sup> Round RDP.



F. Summit Place Off-Site Units

3 of the 7 total off-site affordable multifamily units required for the Summit Place multifamily development built in 2012 at 50 Parmley Place are located at 13 North Street, Block 3901 Lot 10. The Court approved all 7 credits and 3 units are applied toward the City's 3<sup>rd</sup> Round RDP.





G. 68-72 Franklin Place Off-Site Units

The 12-unit townhouse development at Block 3401 Lot 4.01 on Franklin Place developed in 2019 required an off-site affordable housing obligation of 2 family rental units located at 31 Russell Place, Block 4210 Lot 2, which were approved by the Court.



2. 3rd Round "50 New Units"/Unmet Need

The following plan mechanisms satisfy the City's goal of facilitating the creation of 50 new units of affordable housing as discussed in the 2016 Settlement Agreement with FSHC, and as included in Summit's 2018 HE&FSP. The City has met this obligation in full, per the June 2025 Consent Order between the City and FSHC, as detailed below.

A. BCUW (Methodist Church) 100% Affordable Senior Development

The City anticipates executing a memorandum of understanding (MOU) shortly with Bergen County United Way ("BCUW") for the development of up to 13 senior units in an existing under-utilized education building at the United Methodist Church at Summit located at Kent Place and DeForest Avenue. The units will range from studio to two-bedroom units in accordance with the applicable UHAC and/or DCA funding requirements. In accordance with the Consent Order, the City will enter into a developer's agreement with BCUW by July 1, 2025, which outlines in detail the obligations of BCUW and the City, as well as establishes a timeline by which BCUW will obtain funding for the project with a goal of completing construction by July 1, 2027. The proposed development meets the site suitability criteria outlined in Section 4.3 as the church has made an existing on-site building available in a manner deemed acceptable by both the developer and City. The site does not have any environmental constraints and is served by adequate sewer, water and other utilities to support the proposed number of units.



B. 412 Morris Avenue (MF Zone)

There is 1 two-bedroom low-income family unit located in the garden apartment complex located at 412 Morris Avenue, Block 1302 Lot 45 that is constructed and currently occupied by a qualified household.



C. Habitat for Humanity 100% Affordable Development (146 Morris Avenue)

Habitat for Humanity's 12-unit, 100% affordable family for-sale townhouse development, located at 146 Morris Avenue, Block 4208 Lot 1, on the former "Italian American Club" property, is constructed, and Housing Affordability Service is currently in the process of qualifying residents for occupancy. The development consists of 6 two-bedroom units and 6 three-bedroom units.





D. 123-127 Summit Avenue Inclusionary Development

123-127 Summit Avenue, Block 2608 Lot 11, is developed with three multifamily buildings, two of which were constructed in 1918 and a newer building constructed in 2022 to replace the third that had been destroyed by fire. The project includes 3 affordable rental family units, which are currently occupied by qualified households. These include 1 three-bedroom moderate-income unit, 1 one-bedroom low-income unit and 1 two-bedroom low-income unit.



E. 557-565 Morris Avenue Inclusionary Development

The 46-unit multifamily development was recently approved by the Zoning Board of Adjustment. The site, known as Tyrconnell Park will consist of 7 affordable family units with income and bedroom distributions in accordance with UHAC requirements.



F. Our House, Inc. New Group Home

Summit will contribute to Our House, Inc. through its affordable housing trust fund for the creation of 1 new group home with at least 4 bedrooms to be constructed and operated by Our House, Inc. at a location to be determined. Per the Consent Order, the City will extend its current agreement with Our House, where a new group home will be purchased or constructed by July 1, 2027.

G. St. Teresa's 100% Affordable Development

The existing St. Teresa's of Avila Church site will be developed by a non-profit developer with a 100% affordable project containing no less than 11 units. These units shall include at least 2 family rental units, 1 with two bedrooms and the other with three bedrooms. The remaining units may be supportive housing or age-restricted units. The proposed development meets the site suitability criteria outlined in Section 4.3 as the church will make an area of the property and/or existing buildings available for the creation of affordable housing which is supported by the City. The site does not have any environmental constraints and is served by adequate sewer, water and other utilities to support the proposed number of units.





### 3. 4th Round Sites.

The Plan mechanisms summarized below will satisfy the entirety of the City's 4th Round RDP of 18 units.

#### A. Summit Place Off-Site Units.

4 of the 7 total off-site affordable multifamily units required for the Summit Place multifamily development built in 2012 at 50 Parmley Place are located at 708-710 Springfield Avenue, Block 2901 Lot 24. These 7 units were determined creditworthy by the Court in the City's 2019 FINAL JOR and are constructed and occupied by qualified households.



#### B. Providence Crossing Townhouses

The 9-unit development at 785 Springfield Avenue, Block 1604 Lot 6, developed in 2019 includes 2 Court-approved affordable family rental units plus 1 bonus credit.



C. Promenade Mixed-Use Development

The Promenade is an existing mixed-use development at 545 Morris Avenue, Block 404 Lot 1 with ground floor retail and two floors of apartments above consisting of 5 units of affordable family rental units which were approved by the Court as creditworthy. The City is claiming 2 additional bonus credits resulting in a total of 7 credits



D. 4-6 Ashwood Avenue (86 Park Avenue) Multifamily Development

This 9-unit multifamily development located at 86 Park Avenue, Block 4006 Lot 2.02 consists of 2 Court-approved affordable family rental units, plus the City is seeking 1 bonus credit, resulting in a total of 3 credits.





E. Harmen Holdings Mixed-Use Development

The City will rezone Block 4008 Lots 8, 9 and 11 to facilitate the development of this 0.77-acre site having frontages on Ashwood Avenue, Morris Avenue and Broad Street with a 3-story mixed-use building containing ground floor commercial space and 20 total apartments on the second and third floors. The development requires a 20% affordable set-aside or 4 units, 1 of which is applied to the City's 4th Round RDP. The City is in the process of entering into a developer's agreement with Harmen Holdings. The proposed development meets the site suitability criteria outlined in Section 4.3 as the site is privately owned by the developer and the concept for which (see attached draft ordinance in the Appendix) has been deemed acceptable by the City. The site does not have any known environmental constraints and is served by adequate sewer, water and other utilities to support the proposed number of units.



#### 4. Unmet Need

The following plan mechanisms address the City's Unmet Need:

##### A. Harmen Holdings Mixed-Use Development

The City will rezone Block 4008 Lots 8, 9 and 11 to facilitate the development of this 0.77-acre site having frontages on Ashwood Avenue, Morris Avenue and Broad Street with a 3-story mixed-use building containing ground floor commercial space and 20 total apartments on the second and third floors. The development requires a 20% affordable set-aside or 4 units, 1 of which is applied to the City's 4th Round RDP.

##### B. Our House, Inc. Group Home at 1 Greenfield Avenue

Our House, Inc. operates an existing four-bedroom special needs group home at 1 Greenfield Avenue, Block 401 Lot 50. Through an agreement between Our House and the City in exchange for a contribution from the City's Affordable Housing Trust Fund and an incentive for Our House to create a new group home within the City, Our House and the City executed a deed restriction to ensure that the group home located at 1 Greenfield Avenue remained available to individuals with special needs for at least 30 years.



C. Summit Housing Authority Units (195 Total; 70 Family, 125 Senior)

The Summit Housing Authority (SHA) and the City have been engaging in discussions related to the significant number of improvements that need to be made to the three buildings and 195 individual units in the SHA portfolio. Currently, the SHA units are marketed with a preference for Summit residents. Because of the residency preference currently being utilized in the waiting list for vacancies, the City can only utilize funds dedicated toward rehabilitation credits for SHA units. However, if the residency preference is removed, not only does that allow the City to utilize more of its Affordable Housing Trust Fund monies toward the renovation of the SHA buildings and units, but it also opens up avenues for other State funding for SHA projects. That potential funding source also would require that the SHA be included in the City's Housing Element and Fair Share Plan.

Historically, there are several avenues of State funding that are available to the SHA for the much-needed repairs to the SHA buildings and units but would require that the residency preference be removed. The City has proposed to the SHA the following framework, which has been approved by the Superior Court in another municipality, in order to provide a means for the SHA to remove the residency preference with future vacancies so that it may leverage future funding that it would otherwise not be able to access with the residency preference:

- The City and SHA would enter into an agreement that establishes a date four months from the date of the agreement that the SHA would utilize a new waiting list that has been affirmatively marketed in accordance with UHAC and COAH regulations to fill vacancies as they occur in SHA units.

- Anyone on the current SHA waiting list would be moved to the new waiting list, which would be randomized once the affirmative marketing process is completed.

(1) Glenwood Place

The City will continue to work with the Summit Housing Authority to remove the existing residency preference at its Glenwood Place development completed in 1972 consisting of 40 rental units. It is noted that removal of such residency preference will enable the SHA to qualify for funding for much needed improvements to the facility.





(2) Weaver Street

The City will continue to work with the Summit Housing Authority to remove the existing residency preference at its Weaver Street development completed in 1979 consisting of 30 rental units. It is noted that removal of such residency preference will enable the SHA to qualify for funding for much needed improvements to the facility.



(3) Vito A. Gallo Senior Building

The Vito A. Gallo Building located immediately east of City Hall was completed in 1986 consisting of 125 senior rental units. The City will continue to work with the Summit Housing Authority to remove the existing residency preference to enable the SHA to qualify for funding for much needed improvements to the facility.





D. Morris Broad Crossroads Overlay Zone

On June 11, 2024, Summit adopted Ordinance No. 24-3319 creating the Morris Broad Crossroads (MBC) Overlay Zone (formerly the Broadstreet West Redevelopment Area) to facilitate the development of Block 2706 Lots 1, 2, 3 and 4. These parcels include the City-owned public Chestnut parking lot (Lot 1), Lot 2, a surface parking lot soon to be City-owned, the former firehouse site that was vacated by the Fire Department in 2024 (Lot 3) and office building on Lot 4. The City will rezone the property in accordance with its current overlay zone designation to the extent that such is required to satisfy the City's 4th Round affordable housing obligations. The Overlay Zone prescribes a mixed-use development for the 1.6-acre tract with a maximum residential density of 30 units per acre and a minimum affordable housing requirement of 7 units.



E. Regional Contribution Agreement (RCA) with the City of Elizabeth

The Court-approved 26 credits against Summit's Unmet Need in its 2019 FINAL JOR for Summit's COAH-approved Regional Contribution Agreement with the City of Elizabeth.

## OVERLAY ZONES

Overlay Zones 1 through 7 were approved by the Court in the City's 2019 Final JOR. Overlay Zone 7 provided the zoning for the 12-unit, 100% affordable Habitat for Humanity project at the Italian American Club site, which is fully constructed and the units are currently being sold to qualified households. A general description of those overlay zones is provided below.

### F. Overlay Zone 1

Overlay Zone 1 created as a component of the City's 3rd Round HE&FSP is located to the southeast of the City's Downtown, near the intersection of Broad Street and Park Avenue in the GW-2 Zone. It presently contains the Salerno Duane auto dealership and is comprised of the lots noted in the table below. At a proposed overlay density of twelve units per acre with a twenty-percent set-aside, following the yard, coverage and height requirements of GW-2 zone multi-family housing provisions, this site could potentially accommodate up to fifty-four dwellings, including eleven affordable units.

Block	Lot	Property Address	Area (ac)
3303	1	255-269 Broad Street	1.25
4002	34	231-253 Broad Street, 111-113 Park	2.36
4002	36	261 Broad Street	0.90
<b>Total</b>			<b>4.51</b>



G. Overlay Zone 2

Overlay Zone 2 created as a component of the City's 3rd Round HE&FSP is located to the south of the City's central business district, in a Business Zone, and is bounded by Summit Ave to the west, Broad Street to the north, and Walnut Street to the east. Industrial Place also traverses through the central portion of the proposed overlay zone. The area is developed with variety of commercial, retail, light industrial and auto-related uses. It is comprised of the lots listed in the table below. At a proposed density of twelve units per acre with a twenty-percent set-aside, following the yard, coverage and height requirements of the B zone's multi-family housing provisions, this site could potentially generate fifty-one units, including ten affordable units.

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Area (ac)</b>
3309	10	19 Summit Ave	0.17
3309	11	21 Summit Ave	0.10
3309	12	23 Summit Ave	0.44
3309	13	25 Summit Ave	0.17
3309	14	27 Summit Ave	0.84
3309	15	9 Industrial Place	0.20
3309	16	15 Industrial Place	0.17
3309	17	15-21 Industrial Place	0.06
3309	17.01	17 Industrial Place	0.09
3310	1	31-5 Summit Ave	0.22
3310	2	324-326 Broad Street	0.15
3310	3	320-22 Broad Street	0.12
3310	3.01	312-14 Broad Street	0.12
3310	3.02	316-18 Broad Street	0.13
3310	4	308-10 Broad Street	0.13
3310	5	290 Broad Street	0.50
3310	6	288 Broad Street	0.13
3310	7	278-288 Broad Street	0.57
<b>Total</b>			<b>4.30</b>





H. Overlay Zone 3

Overlay Zone 3 created as a component of the City's 3<sup>rd</sup> Round HE&FSP is located near the northerly portion of the City, in a B Zone, and is bounded by Plain Street to the west, Morris Ave to the south, and Morris Ave to the east. The area is presently developed with a commercial building located near the corner of Morris Ave and Aubrey Street, as well as a large surface parking area. It is comprised of the lots listed in the table below. At a proposed a density of twelve units per acre with a twenty-percent set-aside, following the yard, coverage and height requirements of the B zone's multi-family housing provisions, this site could potentially generate twenty-four units, including five affordable units.

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Area (ac)</b>
402	1	527 Morris Ave	0.09
402	2	529 Morris Ave	0.28
402	3	531-33 Morris Ave	0.12
402	4	535 Morris Ave	0.24
402	5	44 Plain Street	0.41
402	6	42 Plain Street	0.20
402	7	40 Plain Street	0.20
402	61	10 Aubrey Street	0.16
402	62	8 Aubrey Street	0.16
402	63	6 Aubrey Street	0.17
<b>Total</b>			<b>2.04</b>



I. Overlay Zone 4

Overlay Zone 4 created as a component of the City's 3rd Round HE&FSP covers the City's CRBD Central Retail Business District. At a proposed density of twelve units per acre with a twenty-percent set-aside, following the applicable provisions set forth for multi-family use in the CRBD Zone regarding yard, coverage and height regulations, this site could potentially generate one hundred and seventy-one units, including thirty-four affordable units.

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Area (ac)</b>
1908	1	367 Springfield Ave	0.15
1908	2	371 Springfield Ave	0.07
1908	3	375-379 Springfield Ave	0.15
1908	4	381 Springfield Ave	0.05
1908	5	383-385 Springfield Ave	0.10
1908	6	387 Springfield Ave	0.07
1908	7	389 Springfield Ave	0.07
1908	8	395-397 Springfield Ave	0.15
1909	1	401 Springfield Ave	0.13
1909	2	407-409 Springfield Ave	0.12
1909	3	411-13-17 Springfield Ave	0.18
1909	4	419 Springfield Ave	0.04
1909	5	423-429 Springfield Ave	0.17
1909	6	431-437 Springfield Ave	0.13
1909	7	441 Springfield Ave	0.05
1909	8	443-445 Springfield Ave	0.06
1911	1-1.22	447-461 Springfield Ave (ACERAGE CONSOLIDATED FOR LOTS 1-1.22)	0.46
1911	2	463-469 Springfield Ave	0.13
1911	3	475 Springfield Ave	0.17
1911	4	485-487 Springfield Ave	0.13
1912	18	2-4-6 Kent Place Boulevard	0.18
2601	1	9 Union Place	0.06
2601	2	11 Union Place	0.06
2601	3	13 Union Place	0.06
2601	4	17-19 Union Place	0.11
2601	5	21 Union Place	0.06
2601	6	25 Union Place	0.06
2601	7	31-37 Union Place	0.11
2601	8	39-45 Union Place	0.20
2602	1	13 Beechwood Road	0.09
2602	2	17 Beechwood Road	0.04
2602	3	18-22 Bank Street	0.11

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Area (ac)</b>
2602	4	12 Bank Street	0.15
2602	5	10 Bank Street	0.05
2602	6	90 Summit Ave	0.05
2602	7	88 Summit Ave	0.04
2602	8	84 Summit Ave	0.09
2603	1	21-5 Beechwood Road	0.27
2603	2	27 Beechwood Road	0.16
2603	3	358 Springfield Ave	0.04
2603	4	356 Springfield Ave	0.07
2603	6	350 Springfield Ave	0.33
2603	7	344-346 Springfield Ave	0.04
2603	8	96-98 Summit Ave	0.05
2604	1	341 Springfield Ave	0.16
2604	2	343-5-7-9 Springfield Ave	0.21
2604	3	353 Springfield Ave	0.11
2604	4	355 Springfield Ave	0.07
2604	5	357 Springfield Ave	0.07
2604	6	359 Springfield Ave	0.06
2604	7	361-365 Springfield Ave	0.16
2604	8	37 Beechwood Road	0.06
2608	5	321 Springfield Ave	0.14
2608	6	333 Springfield Ave	0.33
2608	8	107-113 Springfield Ave	0.84
2614	1	67 Summit Ave	0.27
2614	2	71 Summit Ave	0.11
2614	3	73 Summit Ave	0.06
2614	4	75-77 Summit Ave	0.06
2614	5	83-85-87 Summit Ave	0.11
2614	6	89 Summit Ave	0.09
2614	7	93-95 Summit Ave	0.09
2614	8	97-99 Summit Ave	0.16
2614	9	330-342 Springfield Ave	0.34
2614	10	326 Springfield Ave	0.07
2614	11	46 Glenwood Place	0.06
2703	1	494 Springfield Ave	0.02
2703	2	482-488 Springfield Ave	0.12
2703	4	478 Springfield Ave	0.09
2703	5	466-474 Springfield Ave	0.25
2703	7	462 Springfield Ave	1.40
2703	8	458 Springfield Ave	0.07
2703	9	446-456 Springfield Ave	0.16

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Area (ac)</b>
2703	10	440-444 Springfield Ave	0.06
2703	11	438 Springfield Ave	0.06
2703	12	434 Springfield Ave	0.08
2703	13	430-432 Springfield Ave	0.07
2703	14	428 Springfield Ave	0.08
2703	15	426 Springfield Ave	0.06
2703	16	420 Springfield Ave	0.07
2703	17	412-414 Springfield Ave	0.06
2703	18	408-410 Springfield Ave	0.09
2703	20	402-404 Springfield Ave	0.07
2703	21	27-29 Maple Street	0.03
2703	22	23-33 Maple Street	0.05
2703	23	35-39 Maple Street	0.08
2703	24	41-45 Maple Street	0.19
2703	25	47-49-51 Maple Street	0.21
2704	1	46-50 Maple Street	0.12
2704	2	44 Maple Street	0.05
2704	3	42 Maple Street	0.05
2704	4	38-40 Maple Street	0.13
2704	5	34-36 Maple Street	0.11
2704	6	28-30-32 Maple Street	0.17
2704	7	26 Maple Street	0.04
2704	8	396 Springfield Ave	0.06
2704	9	392 Springfield Ave	0.09
2704	10	374-382 Springfield Ave	1.18
2704	11	67-71 Union Place	0.14
2704	12	73-75 Union Place	0.04
<b>Total</b>			<b>14.26</b>



J. Overlay Zone 5

Overlay Zone 5 created as a component of the City's 3rd Round HE&FSP is located to the immediate north of the City's central business district, in a B Zone, and is bounded by Maple Street to the west, Euclid Ave to the north, Beachwood Road to the east, and Deforest Ave to the south. It is presently developed with a large office building and an associated surface parking area. At a proposed density of twelve units per acre with a twenty-percent set-aside, pursuant to the multi-family yard, coverage and height requirements in the B Zone, this site could potentially generate fifty units, including ten affordable units. It is comprised of the following lots:

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Area (ac)</b>
1906	1	25 De Forest Ave	4.19
<b>Total</b>			<b>4.19</b>

K. Overlay Zone 6

Overlay Zone 6 created as a component of the City's 3rd Round HE&FSP is located near the southwesterly corner of the City, in a single family zone, and is bounded by Orchard Street to the south and Park Ave to the east. The site is developed with three two-family dwellings. At a proposed density of twelve units per acre with a twenty-percent set-aside, this site could potentially generate nine units, including two affordable units. It is recommended that the yard, coverage and height standards for multifamily use in the B Zone be applied here.

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>	<b>Area (ac)</b>
4002	17	39 Park Ave	0.76
<b>Total</b>			<b>0.76</b>





L. Overlay Zone 7

Overlay Zone 7 created as a component of the City's 3rd Round HE&FSP is located near the southerly portion of the City. The site formerly developed and occupied by the Italian American Club is now developed with a 12-unit, 100% affordable townhouse development constructed by Habitat for Humanity in accordance with the requirements of Overlay Zone 7.

Block	Lot	Property Address	Area (ac)
4208	1	146 Morris Ave	0.91
Total			0.91



M. Brandywine Assisted Living Facility

The existing 80-unit Brandywine assisted living facility located at 41 Springfield Avenue, Block 3802 Lot 28, was renovated in 2022 to include 8 new units (10%) designated for Medicaid eligible residents.



N. Extension of Expiring Controls

The extension of expiring controls remains an option which the City may fund and utilize to satisfy a portion of its 4th Round affordable housing obligation should any of the deed restrictions for older affordable units within the City expire between July 1, 2025 and June 30, 2035. The City will utilize UHAC regulations to extend such controls.

J. Mandatory Affordable Set-Aside Ordinance

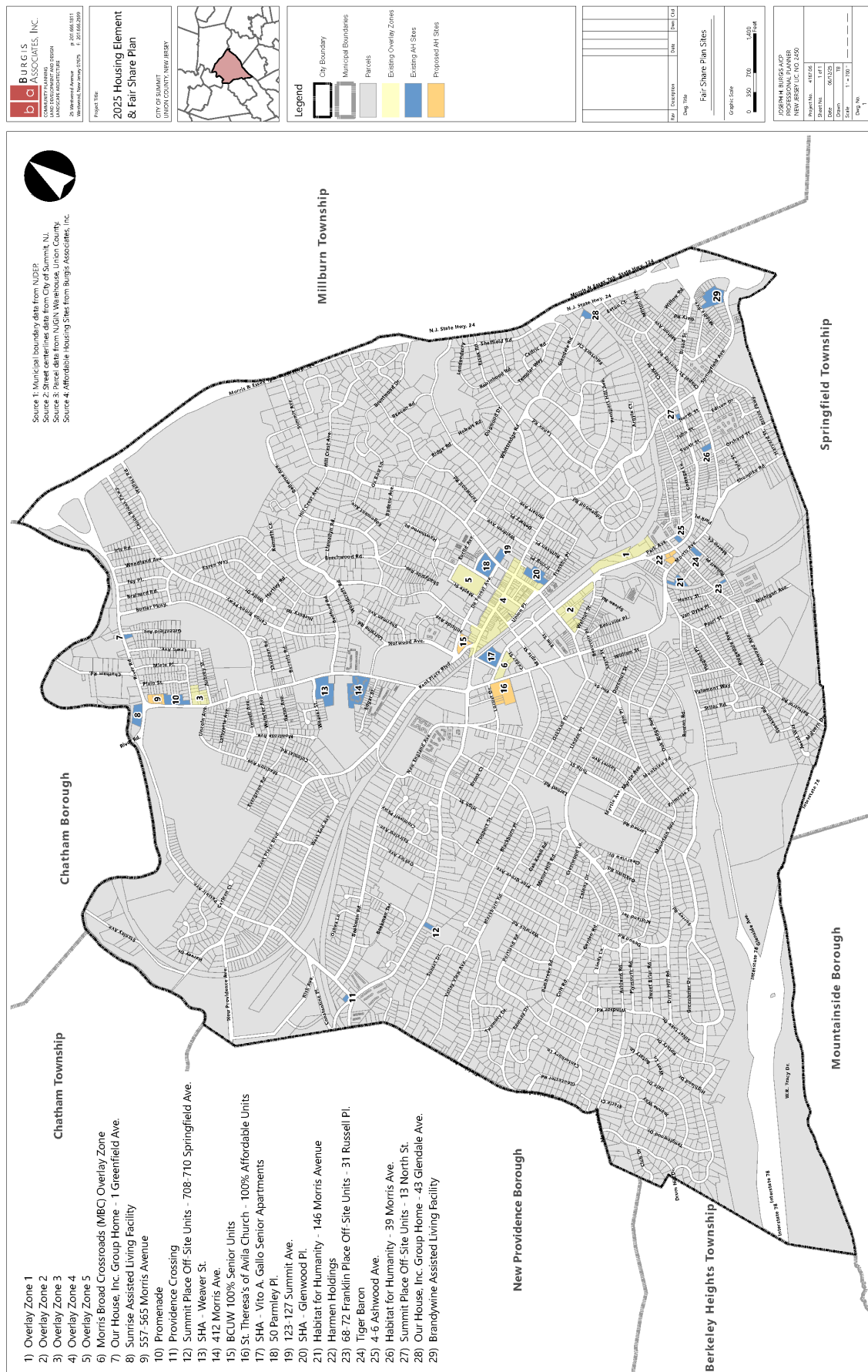
Summit created a City-wide Mandatory Set-Aside Ordinance as part of its 3rd Round HE&FSP in order to ensure that any new multifamily residential development in Summit will provide its fair share of affordable units and assist with the City's continuous efforts to address its affordable housing obligation. The ordinance requires that any site that benefits from a rezoning, variance, or redevelopment plan approved by the City which results in multifamily residential development containing five or more new dwelling units shall provide an affordable housing set-aside at a rate of 15 percent, where affordable units will be for rent, or 20 percent, where affordable units will be for sale.

Although Summit will continue to implement its Mandatory Set-Aside Ordinance through the 4th Round and credit any new affordable units created thereunder toward the City's Unmet Need, it proposes to amend said ordinance to require that any site that is developed with five or more new multifamily or single-family attached dwelling units shall provide an affordable housing set-aside at a rate of 20 percent, regardless of tenure. These proposed ordinance amendments, which are intended to capture additional affordable housing opportunities to help address Summit's Unmet Need, are included in the Appendix.

K. Development Fee Ordinance

As part of its 3rd Round HE&FSP, the City agreed to continue imposing development fees on new development, as set forth in Summit's Development Fee Ordinance. As stated therein, residential development fees of 1.5 percent of the equalized assessed value shall be collected on all residential development involving new buildings or when an existing building undergoes a change to a more intense use, and non-residential development fees of 2.5 percent of the equalized assessed value shall be collected on all non-residential development, with the exception of those types of developments specifically exempted pursuant to the Statewide Non-Residential Development Fee Act. The City will continue to implement its Development Fee Ordinance through the 4th Round and any funds generated by the collection of development fees will be applied directly toward implementation of this plan.





## 4.4 REJECTED DEVELOPMENT SITES

### 1. Incline Capital (Block 3309 Lot 14 & Block 3310 Lots 1, 3 & 3.02)

Incline Capital, LLC with The NRP Group, LLC submitted a letter dated May 13, 2025 addressed to the Governing Body requesting their site identified as Block 3309 Lot 14, Block 3310 Lots 1, 3 and 3.02 and a portion of the Industrial Place public right-of-way be rezoned to accommodate an 8-story, 300-unit mixed-use development on the 1.46 acre tract. The residential component would include a 20% affordable set-aside yielding 60 affordable units and a nonresidential component on the first floor consisting of a 4,868 square feet of retail space and a 2,509 square foot TD bank with a drive-thru in the building. The rendering submitted with the letter depicts two levels of parking including the first floor that is partially occupied by building areas and the bank drive-thru. However, the proposed parking count is not provided though the building appears to have a significant deficiency in parking for the proposed mix of uses.

The proposed density of 250.5 du/ac, nearly 100% building and impervious coverage, and a floor area ratio of approximately 650%, is excessive and well beyond the scale and intensity of any development surrounding the site or elsewhere in the City. Furthermore, the proposed building would negatively impact existing residential development located immediately southeast of the site, and thus this proposal was rejected as a potential project to be included in this Plan.

### 2. Onyx & Russo Development at 190 River Road (Block 102 Lot 1)

The developers Onyx Equities and Russo Development requested that the City consider for inclusion in its 4th Round Fair Share Plan their proposal to develop Block 102 Lot 1 with a 198-unit inclusionary multifamily development including a 20% affordable housing set-aside yielding 40 affordable units. The proposed building would include 4 stories of residential units above the existing two-level parking deck resulting in a proposed building height of at least 5 stories. The building would have a floor area ratio of 151% and density of 45 du/ac which greatly exceeds Summit's development regulations and development intensity in that area of Summit. Additionally, there was concern regarding the impact of a tributary of the Passaic River that traverses the site causing flooding to certain areas and in the lower parking level. It is not clear how this would affect the site's proposed utilization as a residential lot.

### 3. At Home in Summit (Block 2706 Lots 3 & 4)

At Home in Summit proposed a 42-unit, 100% affordable multifamily development at the City's recently vacated firehouse property (Lot 3) and adjoining parcel (Lot 4) developed with an office building. The development would have a parking ratio of only 1 space per unit.

The proposal is limited to 2 of the 4 parcels which comprise the City's Morris Broad Crossroads (MBC) Overlay Zone (formerly Broad Street West Redevelopment Area) created in 2024. The site has been a topic of interest in Summit for about a decade with extensive analysis and public input in establishing the community's future vision for the site. This vision includes mixed-use zoning encouraging a maximum residential density of 30 units per acre, resulting in much fewer units than contemplated by the prospective

developer. The City anticipated approximately 7 affordable housing units within the context of their anticipated development, at a scale and intensity that would be compatible with development in the surrounding area. In addition, the City has significant concerns with respect to some of the financial implications of the project that would bind the City

## 4.5 CREDITING DOCUMENTATION AND ONGOING COMPLIANCE

Summit commits to adhering to the applicable State requirements pertaining to affordable unit monitoring and reporting. This includes compliance with the statutorily required updates to the municipal housing project status report by the DCA deadline of February 15, 2025. These updates are included in the State's new Affordable Housing Monitoring System and fulfill the City's obligation to specify the creditworthiness of all existing affordable housing units in Summit. In addition, all crediting documentation submitted to and approved by the Court as part of the City's 3rd Round Housing Element and Fair Share Plan remains on file with and accessible from the Court.

## 4.6 CONSISTENCY WITH STATE PLANNING INITIATIVES

As noted in Section 1 of this plan, a HE&FSP must also include:

- ❖ An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission; and
- ❖ An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Accordingly, the following subsection analyzes the consistency of this HE&FSP to the above referenced state planning initiatives.

### 1. Multigenerational Family Housing Continuity Commission

The Multigenerational Family Housing Continuity Commission was established by the State of New Jersey in 2021. As noted in N.J.S.A. 52:27D-329.20, one of the primary duties of the Commission is to "prepare and adopt recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas."

As of the date of this HE&FSP, the Multigenerational Family Housing Continuity Commission has not yet adopted any recommendations.

## 2. State Development and Redevelopment Plan

As established by N.J.S.A. 52:18A-200(f), the purpose of the State Development and Redevelopment Plan (SDRP) is to “coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.”

As such, the SDRP establishes a number of goals and strategies related to a number of different topics, including economic redevelopment. One such goal is to revitalize existing urban centers by directing growth and development to those areas. Specifically, the SDRP seeks to revitalize the State’s cities and towns by protecting, preserving, and developing the valuable human and economic assets in cities, town, and other urban areas.

As indicated by the SDRP’s Policy Map, the majority of Summit’s land area is located in the PA-1 Metropolitan Planning Area, wherein development and redevelopment is intended to be directed. The intent of this Planning Area is to:

- ❖ Provide for much of the state’s future redevelopment.
- ❖ Revitalize cities and towns.
- ❖ Promote growth in compact forms.
- ❖ Stabilize older suburbs.
- ❖ Redesign areas of sprawl. And,
- ❖ Protect the character of existing stable communities.

Accordingly, this HE&FSP is consistent with the intents of PA-1. Specifically, it is designed to encourage redevelopment and growth in a compact form within the portion of the municipality designated as PA-1, while also protecting the character of the existing community.

# Appendix

---



# 4th Round Complaint for Declaratory Relief Pursuant to AOC Directive #14-24

---



**SURENIAN, EDWARDS, BUZAK & NOLAN LLC**

311 Broadway, Suite A

Point Pleasant Beach, NJ 08742

(732) 612-3100

By: Nancy L. Holm, Esq. (Attorney ID: 013442006)

*Attorneys for Declaratory Plaintiff, City of Summit*

**IN THE MATTER OF THE  
APPLICATION OF THE CITY OF  
SUMMIT, COUNTY OF UNION, STATE  
OF NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: UNION COUNTY**

DOCKET NO.: UNN-L-\_\_\_\_

CIVIL ACTION  
AFFORDABLE HOUSING DISPUTE  
RESOLUTION PROGRAM  
PER DIRECTIVE # 14-24

**COMPLAINT FOR DECLARATORY  
RELIEF PURSUANT TO AOC  
DIRECTIVE # 14-24**

Declaratory Plaintiff, the City of Summit, County of Union, State of New Jersey (hereinafter, “Summit” or the “City”), a municipal corporation of the State of New Jersey, with principal offices located at 512 Springfield Avenue, Summit, New Jersey 07901, by way of this Declaratory Judgment Action (“DJ Action”) as authorized under Directive # 14-24 of the Administrative Office of the Courts (“AOC”) alleges and says:

***Background***

1. The City of Summit is a municipal corporation of the State of New Jersey.
2. The Planning Board of the City of Summit (hereinafter, “Planning Board”) is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., (“MLUL”), and, among other duties and obligations, is responsible for adopting the Fourth Round Housing Element and Fair Share Plan (“HEFSP”) of Summit’s Master Plan.

3. Through this DJ Action, Summit seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the Affordable Housing Alternative Dispute Resolution Program (the “Program”) pursuant to P.L. 2024, c.2 (hereinafter, the “Act”) and the Court, pursuant to AOC Directive # 14-24; (b) to have the Program and the Court approve the City of Summit’s Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by the City, attached hereto as **Exhibit 1**; (c) to have the Program and the Court approve the City’s HEFSP to be adopted by the Planning Board and endorsed by the Council and issue a conditional or unconditional “Compliance Certification” pursuant to the Act or other similar declaration; (d) to the extent it is not automatically granted pursuant to the Act, through the filing of this DJ Action and binding resolution, to have the Program and the Court confirm Summit’s immunity from all exclusionary zoning litigation, including builder’s remedy lawsuits, during the pendency of the process outlined in the Act and for the duration of the Fourth Round, i.e., through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the City receives and obtains all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation.

### **COUNT I**

#### **ESTABLISHMENT OF JURISDICTION UNDER P.L.2024, C. 2**

4. The City of Summit repeats and realleges each and every allegation as set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

5. The Act represents a major revision of the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 *et. seq.*

6. Among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the Program. Among other things, the Act authorized the Director of the AOC (hereinafter, “Director”) to create a framework to process applications for a compliance certification.

7. On or about December 19, 2024, the Director issued Directive #14-24, which among other things, required municipalities seeking compliance certification to file an action in the form of a Declaratory Judgment Complaint and Civil Case Information Statement in the County in which the municipality is located within 48 hours after the municipality’s adoption of a binding resolution as authorized under the Act and attach a copy of said binding resolution to the DJ Action.

8. The City adopted a binding resolution establishing its present and prospective affordable housing obligations within the statutory window of time set forth in the Act and in accordance with the methodology and formula set forth in the Act, a certified copy of which resolution is attached to this DJ Action as **Exhibit 1**.

9. Based on the foregoing, the City has established the jurisdiction of the Program and the Court in regard to this DJ Action for a Compliance Certification as set forth hereinafter.

**WHEREFORE**, the City of Summit seeks a declaratory judgment for the following relief:

- a. Declaring that the City has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Act;

- b.** Declaring the present and prospective affordable housing obligations of the City under the Act;
- c.** Declaring the approval of the City's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a more refined estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;
- d.** Declaring that the City continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e.** Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the City of Summit for the period beginning July 1, 2025 and ending June 30, 2035; and

- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

## **COUNT II**

### **DETERMINATION OF THE PRESENT AND PROSPECTIVE NEED OF THE CITY OF SUMMIT**

10. Summit repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

11. The Act adopted the methodology to calculate every municipality's present and prospective need affordable housing obligation for the Fourth Round (2025-2035) and beyond.

12. The Act directed the Department of Community Affairs ("DCA") to apply the methodology and to render a non-binding calculation of each municipality's present and prospective affordable housing obligations to be contained in a report to be issued no later than October 20, 2024.

13. The DCA issued its report on October 18, 2024.

14. Pursuant to the October 18, 2024 report, the DCA calculated Summit's present and prospective affordable housing obligations as follows:

<b>FOURTH ROUND PRESENT NEED (REHABILITATION) OBLIGATION</b>	<b>FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035)</b>
59	345



**15.** Pursuant to the Act, a municipality desiring to participate in the Program is obligated to adopt a “binding resolution” determining its present and prospective affordable housing obligations to which it will commit based upon the methodology set forth in the Act.

**16.** Summit adopted a binding resolution, a copy of which resolution is attached hereto and made a part hereof as **Exhibit 1** to this DJ Action.

**17.** The binding resolution maintains that Summit’s Round 4 (2025-2035) Present Need (Rehabilitation) Obligation is 59 and its Prospective Need (“New Construction”) Obligation is 345.

**18.** Summit seeks the approval of, and confirmation by, the Program and the Court of the Round 4 (2025-2035) Present and Prospective affordable housing obligations as set forth in the binding resolution attached hereto and made a part hereof as **Exhibit 1**, or the adjustment of those obligations consistent with the Act and all applicable regulations.

**19.** Pursuant to the binding resolution, the City of Summit reserves all rights to amend its affordable housing obligations in the event of a successful legal challenge, or legislative change, to the Act.

**20.** Pursuant to the binding resolution, Summit specifically reserves the right to seek and obtain 1) a windshield survey or similar survey which accounts for a more refined estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 5) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 6) an adjustment based upon any

ruling in litigation involving affordable housing obligations; and 7) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

**WHEREFORE**, the City of Summit seeks a declaratory judgment for the following relief:

- a. Declaring that the City has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of the City under the Act;
- c. Declaring the approval of City's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a more refined estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

- d. Declaring that the City continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the City of Summit for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

### **COUNT III**

#### **APPROVAL OF CITY'S HOUSING ELEMENT AND FAIR SHARE PLAN**

**21.** The City of Summit repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

**22.** Pursuant to the Act, a Housing Element and Fair Share Plan (hereinafter, "HEFSP") must be prepared, adopted by the Planning Board and endorsed by the municipality by June 30, 2025.

**23.** Summit hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court which HEFSP shall apply as appropriate, any applicable adjustments, including, without limitation, 1) a windshield survey or similar survey which accounts for a more refined estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3)

a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 5) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 6) an adjustment based upon any ruling in litigation involving affordable housing obligations; and 7) any other applicable adjustment permitted in accordance with the Act and/or applicable regulations.

**WHEREFORE**, the City of Summit seeks a declaratory judgment for the following relief:

- a. Declaring that the City has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of the City under the Act;
- c. Declaring the approval of the City's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a more refined estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation

involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

- d. Declaring that the City continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established under the Program;
- e. Declaring and issuing a Compliance Certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the City of Summit for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

#### **COUNT IV**

#### **CONFIRMATION OF IMMUNITY**

**24.** The City of Summit repeats and realleges each and every allegation set forth in the previous paragraphs of this declaratory judgment complaint as if set forth herein in full.

**25.** Pursuant to the Act, a municipality that complies with the deadlines in the Act for both determining present and prospective affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

**26.** The City of Summit has met the deadline for the adoption and filing of its binding resolution not later than January 31, 2025, and the filing of this DJ Action in accordance with AOC

Directive #14-24 not later than February 3, 2025, by adopting the binding resolution attached to this DJ Action as **Exhibit 1**, and has also committed to the adoption of its HEFSP by June 30, 2025.

**WHEREFORE**, the City of Summit seeks a declaratory judgment for the following relief:

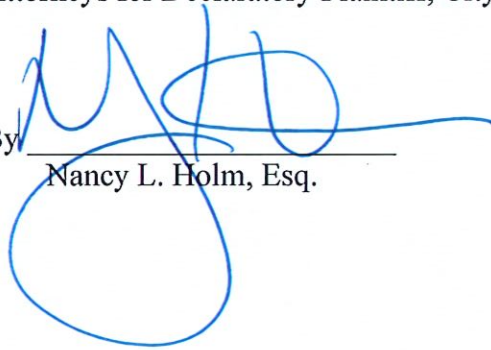
- a. Declaring that the City has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of the City under the Act;
- c. Declaring the approval of the City's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a more refined estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;



- d. Declaring that the City continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e. Declaring and issuing a Compliance Certification and immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the City of Summit for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

**SURENIAN EDWARDS BUZAK & NOLAN LLC**  
Attorneys for Declaratory Plaintiff, City of Summit

By

  
\_\_\_\_\_  
Nancy L. Holm, Esq.

Dated: January 22, 2025

**CERTIFICATION PURSUANT TO R. 4:5-1**

Nancy L. Holm, Esq., of full age, hereby certifies as follows:

1. I am an associate of the Firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for declaratory plaintiff, City of Summit.
2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.
3. The within Complaint was filed and served within the time prescribed by the Rules of Court.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**SURENIAN EDWARDS BUZAK & NOLAN LLC**  
Attorneys for Declaratory Plaintiff, City of Summit

By

  
\_\_\_\_\_  
Nancy L. Holm, Esq.

Dated: January 22, 2025


**CERTIFICATION PURSUANT TO R. 1:38-7(b)**

Nancy L. Holm, Esq., of full age, hereby certifies as follows:

1. I am an associate of the firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for Declaratory Plaintiff, City of Summit.
2. I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**SURENIAN EDWARDS BUZAK & NOLAN LLC**  
Attorneys for Declaratory Plaintiff, City of Summit


By   
\_\_\_\_\_  
Nancy L. Holm, Esq.

Dated: January 22, 2025

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, notice is hereby given that Nancy L. Holm, Esq., attorney for the Declaratory Plaintiff, City of Summit is designated as trial counsel in the above captioned matter.

**SURENIAN EDWARDS BUZAK & NOLAN LLC**  
Attorneys for Declaratory Plaintiff, City of Summit

By   
\_\_\_\_\_  
Nancy L. Holm, Esq.

Dated: January 22, 2025



**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SUMMIT COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS**

January 21, 2025

**WHEREAS**, the City of Summit (hereinafter the “City” or “Summit”) has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 2, 2015, the City of Summit filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

**WHEREAS**, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits, until July 1, 2025; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”); and

**WHEREAS**, the Amended FHA required the Department of Community Affairs (“DCA”) to provide an estimate of the Fourth Round affordable housing obligations for all municipalities on or before October 20, 2024, based upon the criteria described in the Amended FHA; and

**WHEREAS**, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the Fourth Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

**WHEREAS**, the DCA Report calculates the City’s Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 59 and a Prospective Need (New Construction) Obligation of 345; and

**WHEREAS**, the Amended FHA further provides that, irrespective of the DCA’s calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA’s “present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025”, a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts (“AOC”) via a directive issued on December 19, 2024; and

**WHEREAS**, this Resolution satisfies the requirements of the Amended FHA by accepting the DCA’s estimate of the City’s Present and Prospective Need for Round 4 (2025-2035), as described in the DCA Report; and

**WHEREAS**, Section 3 of the Amended FHA provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of the Amended FHA; and

**WHEREAS**, the City's acceptance of the Fourth Round obligations calculated by the DCA are entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Amended FHA; and

**WHEREAS**, in addition to the foregoing, the City specifically reserves the right to adjust its fair share obligations in accordance with applicable Council on Affordable Housing ("COAH") regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a windshield survey or similar survey which accounts for a more refined estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission regulations and planning documents; and

**WHEREAS**, in addition to the foregoing, the City specifically reserves all rights to revoke or amend this Resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

**WHEREAS**, in addition to the foregoing, the City reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

**WHEREAS**, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the City's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

**WHEREAS**, in addition to the foregoing, the Acting Administrative Director of the AOC issued Directive #14-24 (hereinafter "AOC Directive") on December 19, 2024; and

**WHEREAS**, pursuant to AOC Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter "the Program"), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48 hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and

**WHEREAS**, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the City reserves any and all rights and remedies in relation to the AOC Directive; and

**WHEREAS**, the City seeks a Compliance Certification from the Program and, therefore, wishes to file a Declaratory Judgment Complaint in the appropriate venue with the Program, along with a copy of this Resolution, within 48 hours of the adoption of this Resolution; and

41452

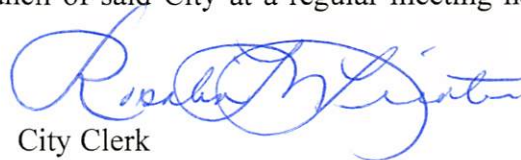
**WHEREAS**, in light of the above, the Mayor and Common Council finds that it is in the best interest of the City to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and

**NOW, THEREFORE, BE IT RESOLVED ON THIS 21<sup>ST</sup> DAY OF JANUARY, 2025, BY THE COMMON COUNCIL OF THE CITY OF SUMMIT, COUNTY OF UNION, NEW JERSEY, AS FOLLOWS:**

1. All of the **WHEREAS** Clauses are incorporated into the operative clauses of this Resolution as if set forth in full.
2. For the reasons set forth in this Resolution, the Mayor and Common Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 59 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 345 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:
  - a) The right to adjust the City's fair share obligations based on a windshield survey or similar survey, a Vacant Land Adjustment, a Durational Adjustment, and all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and
  - b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and
  - c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third party challenge to the City's fair share obligations.
3. Pursuant to the requirements of the FHA as amended, and the AOC Directive #14-24 issued on December 19, 2024, the City hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution, so that the City's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.
4. This Resolution shall take effect immediately, according to law.

Dated: January 21, 2025

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, January 21, 2025.

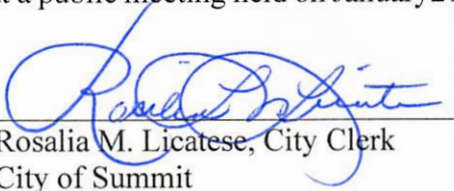
  
City Clerk



41452

**CERTIFICATION**

I, Rosalia M. Licatese, Municipal Clerk of the City of Summit, do hereby certify that the above is a true copy of a resolution adopted by the Common Council at a public meeting held on January 21, 2025.

  
\_\_\_\_\_  
Rosalia M. Licatese, City Clerk  
City of Summit

41452

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SUMMIT COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS**

January 21, 2025

**WHEREAS**, the City of Summit (hereinafter the “City” or “Summit”) has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 2, 2015, the City of Summit filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

**WHEREAS**, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits, until July 1, 2025; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”); and

**WHEREAS**, the Amended FHA required the Department of Community Affairs (“DCA”) to provide an estimate of the Fourth Round affordable housing obligations for all municipalities on or before October 20, 2024, based upon the criteria described in the Amended FHA; and

**WHEREAS**, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the Fourth Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

**WHEREAS**, the DCA Report calculates the City’s Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 59 and a Prospective Need (New Construction) Obligation of 345; and

**WHEREAS**, the Amended FHA further provides that, irrespective of the DCA’s calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA’s “present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025”, a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts (“AOC”) via a directive issued on December 19, 2024; and

**WHEREAS**, this Resolution satisfies the requirements of the Amended FHA by accepting the DCA’s estimate of the City’s Present and Prospective Need for Round 4 (2025-2035), as described in the DCA Report; and

**WHEREAS**, Section 3 of the Amended FHA provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of the Amended FHA; and

**WHEREAS**, the City's acceptance of the Fourth Round obligations calculated by the DCA are entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Amended FHA; and

**WHEREAS**, in addition to the foregoing, the City specifically reserves the right to adjust its fair share obligations in accordance with applicable Council on Affordable Housing ("COAH") regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a windshield survey or similar survey which accounts for a more refined estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission regulations and planning documents; and

**WHEREAS**, in addition to the foregoing, the City specifically reserves all rights to revoke or amend this Resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

**WHEREAS**, in addition to the foregoing, the City reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

**WHEREAS**, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the City's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

**WHEREAS**, in addition to the foregoing, the Acting Administrative Director of the AOC issued Directive #14-24 (hereinafter "AOC Directive") on December 19, 2024; and

**WHEREAS**, pursuant to AOC Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter "the Program"), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48 hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and

**WHEREAS**, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the City reserves any and all rights and remedies in relation to the AOC Directive; and

**WHEREAS**, the City seeks a Compliance Certification from the Program and, therefore, wishes to file a Declaratory Judgment Complaint in the appropriate venue with the Program, along with a copy of this Resolution, within 48 hours of the adoption of this Resolution; and

41452

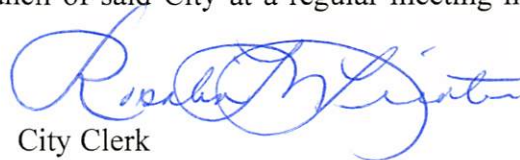
**WHEREAS**, in light of the above, the Mayor and Common Council finds that it is in the best interest of the City to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and

**NOW, THEREFORE, BE IT RESOLVED ON THIS 21<sup>ST</sup> DAY OF JANUARY, 2025, BY THE COMMON COUNCIL OF THE CITY OF SUMMIT, COUNTY OF UNION, NEW JERSEY, AS FOLLOWS:**

1. All of the **WHEREAS** Clauses are incorporated into the operative clauses of this Resolution as if set forth in full.
2. For the reasons set forth in this Resolution, the Mayor and Common Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 59 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 345 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:
  - a) The right to adjust the City's fair share obligations based on a windshield survey or similar survey, a Vacant Land Adjustment, a Durational Adjustment, and all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and
  - b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and
  - c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third party challenge to the City's fair share obligations.
3. Pursuant to the requirements of the FHA as amended, and the AOC Directive #14-24 issued on December 19, 2024, the City hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution, so that the City's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.
4. This Resolution shall take effect immediately, according to law.

Dated: January 21, 2025

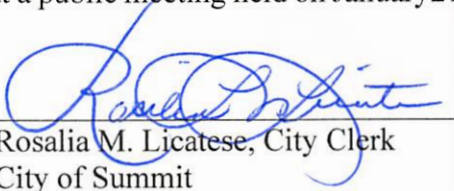
I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, January 21, 2025.

  
City Clerk

41452

**CERTIFICATION**

I, Rosalia M. Licatese, Municipal Clerk of the City of Summit, do hereby certify that the above is a true copy of a resolution adopted by the Common Council at a public meeting held on January 21, 2025.

  
\_\_\_\_\_  
Rosalia M. Licatese, City Clerk  
City of Summit



# Civil Case Information Statement

## Case Details: UNION | Civil Part Docket# L-000310-25

**Case Caption:** IN THE MATTER OF SUMMIT CITY

**Case Initiation Date:** 01/22/2025

**Attorney Name:** NANCY L HOLM

**Firm Name:** SURENIAN, EDWARDS, BUZAK & NOLAN LLC

**Address:** 311 BROADWAY STE A

POINT PLEASANT BEACH NJ 08742

**Phone:** 7326123100

**Name of Party:** PLAINTIFF : City of Summit

**Name of Defendant's Primary Insurance Company**

(if known): None

**Case Type:** AFFORDABLE HOUSING

**Document Type:** Complaint

**Jury Demand:** NONE

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Does this case involve claims related to COVID-19?** NO

**Are sexual abuse claims alleged by:** City of Summit? NO

## THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

01/22/2025

Dated

/s/ NANCY L HOLM

Signed



# Resolution No. 41452 Determining 4<sup>th</sup> Round Obligation

---



41452

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SUMMIT COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS**

January 21, 2025

**WHEREAS**, the City of Summit (hereinafter the “City” or “Summit”) has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 2, 2015, the City of Summit filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

**WHEREAS**, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits, until July 1, 2025; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”); and

**WHEREAS**, the Amended FHA required the Department of Community Affairs (“DCA”) to provide an estimate of the Fourth Round affordable housing obligations for all municipalities on or before October 20, 2024, based upon the criteria described in the Amended FHA; and

**WHEREAS**, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the Fourth Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

**WHEREAS**, the DCA Report calculates the City’s Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 59 and a Prospective Need (New Construction) Obligation of 345; and

**WHEREAS**, the Amended FHA further provides that, irrespective of the DCA’s calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA’s “present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025”, a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts (“AOC”) via a directive issued on December 19, 2024; and

**WHEREAS**, this Resolution satisfies the requirements of the Amended FHA by accepting the DCA’s estimate of the City’s Present and Prospective Need for Round 4 (2025-2035), as described in the DCA Report; and

**WHEREAS**, Section 3 of the Amended FHA provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of the Amended FHA; and

**WHEREAS**, the City's acceptance of the Fourth Round obligations calculated by the DCA are entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Amended FHA; and

**WHEREAS**, in addition to the foregoing, the City specifically reserves the right to adjust its fair share obligations in accordance with applicable Council on Affordable Housing ("COAH") regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a windshield survey or similar survey which accounts for a more refined estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission regulations and planning documents; and

**WHEREAS**, in addition to the foregoing, the City specifically reserves all rights to revoke or amend this Resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

**WHEREAS**, in addition to the foregoing, the City reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

**WHEREAS**, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the City's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

**WHEREAS**, in addition to the foregoing, the Acting Administrative Director of the AOC issued Directive #14-24 (hereinafter "AOC Directive") on December 19, 2024; and

**WHEREAS**, pursuant to AOC Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter "the Program"), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48 hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and

**WHEREAS**, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the City reserves any and all rights and remedies in relation to the AOC Directive; and

**WHEREAS**, the City seeks a Compliance Certification from the Program and, therefore, wishes to file a Declaratory Judgment Complaint in the appropriate venue with the Program, along with a copy of this Resolution, within 48 hours of the adoption of this Resolution; and

41452

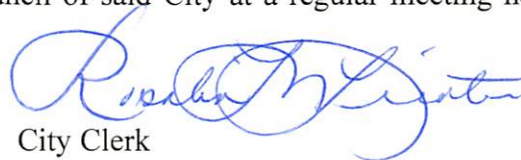
**WHEREAS**, in light of the above, the Mayor and Common Council finds that it is in the best interest of the City to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and

**NOW, THEREFORE, BE IT RESOLVED ON THIS 21<sup>ST</sup> DAY OF JANUARY, 2025, BY THE COMMON COUNCIL OF THE CITY OF SUMMIT, COUNTY OF UNION, NEW JERSEY, AS FOLLOWS:**

1. All of the **WHEREAS** Clauses are incorporated into the operative clauses of this Resolution as if set forth in full.
2. For the reasons set forth in this Resolution, the Mayor and Common Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 59 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 345 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:
  - a) The right to adjust the City's fair share obligations based on a windshield survey or similar survey, a Vacant Land Adjustment, a Durational Adjustment, and all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and
  - b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and
  - c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third party challenge to the City's fair share obligations.
3. Pursuant to the requirements of the FHA as amended, and the AOC Directive #14-24 issued on December 19, 2024, the City hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution, so that the City's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.
4. This Resolution shall take effect immediately, according to law.

Dated: January 21, 2025

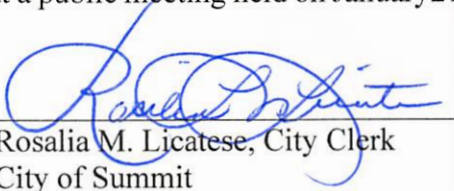
I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, January 21, 2025.

  
City Clerk

41452

**CERTIFICATION**

I, Rosalia M. Licatese, Municipal Clerk of the City of Summit, do hereby certify that the above is a true copy of a resolution adopted by the Common Council at a public meeting held on January 21, 2025.

  
\_\_\_\_\_  
Rosalia M. Licatese, City Clerk  
City of Summit

# Court Order Fixing 4<sup>th</sup> Round Obligation

---





**PREPARED BY THE COURT:**

**IN THE MATTER OF THE  
DECLARATORY JUDGMENT  
ACTION OF THE CITY OF  
SUMMIT, UNION COUNTY  
PURSUANT TO P.L. 2024,  
CHAPTER 2**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – CIVIL PART  
UNION COUNTY  
DOCKET NO. UNN-L-310-25

Civil Action

**ORDER FIXING MUNICIPAL  
OBLIGATIONS FOR “PRESENT NEED”  
AND “PROSPECTIVE NEED” FOR THE  
FOURTH ROUND HOUSING CYCLE**

**THIS MATTER**, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 16, 2025 (“DJ Complaint”) by the Petitioner, City of Summit (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the Affordable Housing Dispute Resolution Program (the “Program”), seeking a certification of compliance with the FHA;

**AND IT APPEARING**, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs (“DCA”) issued its report entitled *Affordable Housing Obligations for 2025-2035 (Fourth Round)*,<sup>1</sup> therein setting forth the present need and prospective need obligations of all New Jersey municipalities for the Fourth Round housing cycle (the “DCA’s Fourth Round Report”);

<sup>1</sup> See [https://nj.gov/dca/dlps/pdf/FourthRoundCalculation\\_Methodology.pdf](https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf)

**AND IT APPEARING** that, pursuant to the DCA's Fourth Round Report, the **present need** obligation of the Petitioner has been calculated and reported as **59 (fifty-nine)** affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as **345 (three-hundred-and-forty-five)** affordable units, and which calculations have been deemed presumptively valid for purposes of the FHA;

**AND THE COURT**, having determined that no interested party has filed a challenge to the Petitioner's DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

**AND THE COURT**, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:

**IT IS, THEREFORE**, on this 27<sup>th</sup> day of **MARCH, 2025**

**ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as **59 (fifty-nine)** affordable units for the Fourth Round housing cycle.
2. That the prospective need obligation of the Municipality, be, and hereby is fixed as **345 (three-hundred-and-forty-five)** affordable units for the Fourth Round Housing cycle; and
3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025,

as provided for and in accordance with Section III.A of Directive #14-24, and without further delay; and

**IT IS FURTHER ORDERED**, that a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel upon its posting by the Court to the eCourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.

SO ORDERED:

*Daniel R. Lindemann*

---

**Daniel R. Lindemann, J.S.C.**

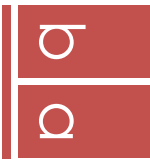
*Designated Mt. Laurel Judge—Union Vicinage*

(X) Uncontested.

# 4<sup>th</sup> Round Vacant Land Analysis (VLA)

---





COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

PRINCIPALS  
Joseph H. Burgis, P.E., AICP  
Edward Sinekus, Jr., P.E., LIA, ASLA  
David Nowak, P.E., AICP

BURGIS  
ASSOCIATES, INC.

## 2025 HOUSING ELEMENT & FAIR SHARE PLAN CITY OF SUMMIT: VACANT LAND ASSESSMENT

VLA ID #	BLOCK	LOT	Property Location	Property Class	Lot Area (ac)	Developable?	Developable Area (ac)	Comments
1	101	4	ALONG PASSAIC RIVER	15C	1.98	No	0.0	Does Not Qualify. Park/Open Space.
2	101	2	1 RIVER ROAD	15C	3.01	No	0.0	Does Not Qualify. Park/Open Space.
3	101	1	124 RIVER RD	15C	0.28	No	0.0	Does Not Qualify. Park/Open Space.
4	103	28	181 RIVER RD	15C	12.83	No	0.0	Does Not Qualify. Park/Open Space.
5	103	7	29 CANOE BROOK PKWY	15C	0.10	No	0.0	Lot too small to qualify for RDP Analysis.
6	201	7	32 RIVER RD	15C	1.97	No	0.0	Does Not Qualify. Park/Open Space.
7	201	13	ALONG PASSAIC RIVER	15C	1.30	No	0.0	Does Not Qualify. Park/Open Space.
8	202	19	69 CHATHAM ROAD	15C	0.52	No	0.0	Does Not Qualify. Park/Open Space.
9	202	20	ALONG PASSAIC RIVER	15C	0.65	No	0.0	Does Not Qualify. Park/Open Space.
10	202	18	43 CHATHAM RD	15C	2.19	No	0.0	Does not qualify. Developed.
11	202	3	ALONG PASSAIC RIVER	15C	1.73	No	0.0	Does Not Qualify. Park/Open Space.
12	202	15	41 CHATHAM RD	15C	1.41	No	0.0	Does Not Qualify. Constrained by climate adjusted flood elevation.
13	202	1	108 RIVER ROAD	15C	1.00	No	0.0	Does Not Qualify. Park/Open Space.
14	202	17	55 CHATHAM RD	15C	1.56	No	0.0	Does Not Qualify. Park/Open Space.
15	305	18	18 HARTLEY RD	15F	0.24	No	0.0	Lot too small to qualify for RDP Analysis.
16	401	2	507 MORRIS AVE	15A	6.30	No	0.0	Does Not Qualify. School Property. Developed.
17	401	1	80 BUTLER PKWY	15C	29.78	No	0.0	Does Not Qualify. School
18	402	3	531-33 MORRIS AVE	1	0.13	No	0.0	Lot too small to qualify for RDP Analysis.
19	403	30	4 PLAIN ST	1	0.17	No	0.0	Lot too small to qualify for RDP Analysis.
20	404	24	31-33 PLAIN STREET	1	0.04	No	0.0	Lot too small to qualify for RDP Analysis.
21	501	17	27 LAFAVETTE AVE.	15F	0.18	No	0.0	Lot too small to qualify for RDP Analysis.
22	506	25	24 GATES AVE	15F	0.24	No	0.0	Does Not Qualify. Common Element.
23	507	22	2 SCHOOL AVE	1	0.24	No	0.0	Lot too small to qualify for RDP Analysis.
24	601	1	20 STANLEY AVE	15C	14.21	No	0.0	Does Not Qualify. Park/Open Space.
25	602	1	25 STANLEY AVENUE	15C	0.49	No	0.0	Does Not Qualify. Park/Open Space.
26	604	2.02	STANLEY AVE	15C	1.30	No	0.0	Does Not Qualify. Park/Open Space.
27	604	5	89 STANLEY AVE	15C	5.32	No	0.0	Does Not Qualify. Park/Open Space.

VLA ID #	BLOCK	LOT	Property Location	Property Class	Lot Area (ac)	Developable?	Developable Area (ac)	Comments
28	604	2.01	65 STANLEY AVE	15C	0.99	No	0.0	Does Not Qualify. Park/Open Space.
29	604	3	73 STANLEY AVE	15C	1.20	No	0.0	Does Not Qualify. Constrained by Steep Slopes and CAFE.
30	701	20.01	REAR EVERGREEN ROAD	1	0.17	No	0.0	Lot too small to qualify for RDP Analysis.
31	702	1	PASSAIC AVE	15C	13.38	No	0.0	Does Not Qualify. Park/Open Space.
32	1203	2	417 MORRIS AVENUE	15F	3.03	No	0.0	Does Not Qualify. Common Element.
33	1302	13	129 KENT PLACE BLVD	15A	18.27	No	0.0	Does Not Qualify. School Property. Developed.
34	1302	43	2 WEAVER STREET	15C	2.74	No	0.0	Does not qualify. Developed.
35	1302	81	390 MORRIS AVE	15F	2.00	No	0.0	Does Not Qualify. Common Element.
36	1302	50	9-11 EDGAR ST	15F	0.21	No	0.0	Does Not Qualify. Common Element.
37	1302	83	382 MORRIS AVE	15F	0.30	No	0.0	Does Not Qualify. Common Element.
38	1302	45	412 MORRIS AVENUE	15F	0.00	No	0.0	Does Not Qualify. Common Element.
39	1305	9	116 KENT PLACE BLVD	15C	0.19	No	0.0	Lot too small to qualify for RDP Analysis.
40	1306	1	15 HIGH STREET	15C	0.10	No	0.0	Lot too small to qualify for RDP Analysis.
41	1401	48	PASSAIC AVE	15C	1.50	No	0.0	Does not qualify. Easement parcel located behind rear yards of several other residential parcels.
42	1403	45	53 PASSAIC AVENUE	15C	1.09	No	0.0	Does not qualify. Constrained by climate adjusted flood elevation.
43	1403	35	135 WEST END AVE	15C	0.79	No	0.0	Lot too small to qualify for RDP Analysis.
44	1501	1	41 NEW PROVIDENCE AVE	15C	13.90	No	0.0	Does Not Qualify. Park/Open Space.
45	1502	8	13 NEW PROVIDENCE AVENUE	15F	0.07	No	0.0	Lot too small to qualify for RDP Analysis.
46	1504	22	52 PASSAIC AVENUE	15C	0.45	No	0.0	Lot too small to qualify for RDP Analysis.
47	1505	1	3 CONSTANTINE PL	15C	1.83	No	0.0	Does Not Qualify. Pump Station.
48	1505	3.01	50 PASSAIC AVENUE	15C	0.62	No	0.0	Does Not Qualify. Park/Open Space.
49	1505	2	40 NEW PROVIDENCE AVE	15C	30.28	No	0.0	Does Not Qualify. Park/Open Space.
50	1505	3	50A PASSAIC AVE	15C	5.44	No	0.0	Does Not Qualify. Park/Open Space.
51	1601	1	50 NEW PROVIDENCE RD	15C	2.85	No	0.0	Does Not Qualify. Park/Open Space.
52	1605	1	804 SPRINGFIELD AVE	15C	0.26	No	0.0	Lot too small to qualify for RDP Analysis.
53	1702	23	14 HILLVIEW TERR	1	0.65	No	0.0	Lot too small to qualify for RDP Analysis.
54	1702	25	14 BEEKMAN TERRACE	15A	4.46	No	0.0	Does Not Qualify. School Property. Developed.
55	1702	45	677 SPRINGFIELD AVE	15C	2.63	No	0.0	Lot too small to qualify for RDP Analysis.
56	1702	48	701 SPRINGFIELD AVE	15C	2.67	No	0.0	Does Not Qualify. Developed as Tennis Courts.
57	1702	44	673 SPRINGFIELD AVENUE	15C	0.37	No	0.0	Lot too small to qualify for RDP Analysis.
58	1702	46	683 SPRINGFIELD AVE	15C	5.88	No	0.0	Does not qualify. Developed for recreational purposes at Wilson Primary School.
59	1702	42	20 OAKLEY AVENUE	15C	0.47	No	0.0	Lot too small to qualify for RDP Analysis.
60	1702	43	16 OAKLEY AVENUE	15C	0.74	No	0.0	Lot too small to qualify for RDP Analysis.
61	1702	64	777 SPRINGFIELD AVENUE	15F	0.00	No	0.0	Does Not Qualify. Common Element.
62	1702	51	729 SPRINGFIELD AVE	15F	0.31	No	0.0	Lot too small to qualify for RDP Analysis.
63	1802	9	641 SPRINGFIELD AVE.	15C	0.04	No	0.0	Lot too small to qualify for RDP Analysis.
64	1803	1	50 NEW ENGLAND AVE	15F	0.00	No	0.0	Does Not Qualify. Common Element.
65	1803	17	90 NEW ENGLAND AVENUE	15F	0.00	No	0.0	Does Not Qualify. Common Element.
66	1803	19	54 NEW ENGLAND AVE	15F	0.00	No	0.0	Does Not Qualify. Common Element.



VLA ID #	BLOCK	LOT	Property Location	Property Class	Lot Area (ac)	Developable?	Developable Area (ac)	Comments
67	1803	18	68-86 NEWENGLAND AVENUE	15F	0.00	No	0.0	Does Not Qualify. Common Element.
68	1804	8	79 HIGH STREET	15C	0.07	No	0.0	Lot too small to qualify for RDP Analysis.
69	1804	4	59 NEW ENGLAND AVE	15F	0.70	No	0.0	Does Not Qualify. Common Element.
70	1804	6	67-75 NEW ENGLAND AVE	15F	0.00	No	0.0	Does Not Qualify. Common Element.
71	1806	1	1 GEORGE ST	1	0.12	No	0.0	Lot too small to qualify for RDP Analysis.
72	1902	1	44 WOODLAND AVE	15A	5.98	No	0.0	Does Not Qualify. School Property. Developed.
73	1903	4	25 NORWOOD AVENUE	15F	0.00	No	0.0	Does Not Qualify. Common Element.
74	1903	8	20 HILLSIDE AVENUE	15F	0.31	No	0.0	Lot too small to qualify for RDP Analysis.
75	1905	10	5 MAPLE ST	1	0.03	No	0.0	Lot too small to qualify for RDP Analysis.
76	1905	11	3 MAPLE STREET	15C	0.98	No	0.0	Does Not Qualify. Developed.
77	1907	1	22 DEFOREST AVENUE	15C	0.65	No	0.0	Lot too small to qualify for RDP Analysis.
78	1910	1	40 DEFOREST AVENUE	15C	1.14	No	0.0	Does Not Qualify. Developed.
79	2004	1	1 EUCLID AVENUE	15F	0.99	No	0.0	Does Not Qualify. Common Element.
80	2004	2	11 EUCLID AVENUE	15F	0.92	No	0.0	Does Not Qualify. Common Element.
81	2004	5	23 EUCLID AVENUE	15F	0.31	No	0.0	Does Not Qualify. Common Element.
82	2104	7	21 WOODMERE DRIVE	1	1.66	No	0.0	Does not qualify. Small pond.
83	2201	1,01	37 RIDGE ROAD	1	0.35	No	0.0	Lot too small to qualify for RDP Analysis.
85	2305	23	165 HOBART AVENUE	15C	12.55	No	0.0	Does Not Qualify. Park/Open Space.
86	2501	10	9 ESSEX ROAD	1	0.65	No	0.0	Lot too small to qualify for RDP Analysis.
87	2603	1	21-5 BEECHWOOD RD	15C	0.27	No	0.0	Lot too small to qualify for RDP Analysis.
88	2605	3	4 DEFOREST AVE	15C	0.65	No	0.0	Lot too small to qualify for RDP Analysis.
89	2606	1,01	50 PARMELEY PL	15F	0.66	No	0.0	Does Not Qualify. Common Element.
90	2607	1,01	14 EUCLID AVENUE	15F	0.49	No	0.0	Does Not Qualify. Common Element.
91	2607	2,01	21-27 PARMELEY PLACE	15F	0.40	No	0.0	Does Not Qualify. Common Element.
92	2614	2	71 SUMMIT AVE	15C	0.11	No	0.0	Lot too small to qualify for RDP Analysis.
93	2614	12	50 GLENWOOD PLACE	15C	1.87	No	0.0	Does Not Qualify. Developed.
94	2614	26,01	71 FRANKLIN PLACE	15F	0.00	No	0.0	Does Not Qualify. Common Element.
95	2614	26,02	73 FRANKLIN PLACE	15F	0.00	No	0.0	Does Not Qualify. Common Element.
96	2701	1	512 SPRINGFIELD AVE	15C	2.00	No	0.0	Does Not Qualify. Developed.
97	2702	1	61 MAPLE ST	15C	0.79	No	0.0	Lot too small to qualify for RDP Analysis.
98	2702	2	48 RAILROAD AVE	15C	0.88	No	0.0	Does Not Qualify. Developed.
99	2702	3	12 CHESTNUT AVENUE	15C	1.86	No	0.0	Does Not Qualify. Developed.
100	2703	7	462 SPRINGFIELD AVE	15C	1.37	No	0.0	Does Not Qualify. Developed.
101	2705	2	75 MAPLE ST	15C	1.78	No	0.0	Does Not Qualify. Developed.
102	2706	3	384-92 BROAD ST	15C	0.68	Yes	0.68	Qualifies. City owned Firehouse site.
103	2706	1	406 BROAD STREET	15C	0.69	No	0.0	Lot too small to qualify for RDP Analysis.
104	2708	9	14 LOCUST DR	1	0.23	No	0.0	Lot too small to qualify for RDP Analysis.
105	2802	5	626 SPRINGFIELD AVENUE	1	0.32	No	0.0	Lot too small to qualify for RDP Analysis.
106	2901	65	724 SPRINGFIELD - REAR	15C	0.00	No	0.0	Lot too small to qualify for RDP Analysis.

VLA ID #	BLOCK	LOT	Property Location	Property Class	Lot Area (ac)	Developable?	Developable Area (ac)	Comments
107	2901	4	768 SPRINGFIELD AVENUE	15F	0.00	No	0.0	Does Not Qualify, Common Element.
108	2901	2	800 OLD SPRINGFIELD AVE	15F	0.00	No	0.0	Does Not Qualify, Common Element.
109	3002	22	106 DIVISION AVE	15F	0.33	No	0.0	Lot too small to qualify for RDP Analysis.
110	3004	49	136 BLAC KBURN ROAD	15A	6.40	No	0.0	Does Not Qualify, School Property, Developed.
111	3106	3	4 CRESTWOODLANE	1	0.16	No	0.0	Lot too small to qualify for RDP Analysis.
112	3106	5	117 ASHLAND RD	1	0.16	No	0.0	Lot too small to qualify for RDP Analysis.
113	3203	1	100 MAPLE STREET	15A	0.68	No	0.0	Lot too small to qualify for RDP Analysis.
114	3203	2	270 MORRIS AVE	15A	4.81	No	0.0	Does Not Qualify, School Property, Developed.
115	3203	3	260 MORRIS AVE	15C	1.77	No	0.0	Does Not Qualify, Developed
116	3204	7	1000 SUMMIT AVE	15C	0.58	No	0.0	Lot too small to qualify for RDP Analysis.
117	3204	8.01	250 MORRIS AVE	15F	0.39	No	0.0	Lot too small to qualify for RDP Analysis.
118	3204	14	3 SAYRE ST	15F	0.25	No	0.0	Does Not Qualify, Common Element.
119	3211	1	65 MOUNTAIN AVE	15C	0.72	No	0.0	Lot too small to qualify for RDP Analysis.
120	3301	1	365 BROAD ST	15C	0.96	No	0.0	Does not Qualify, Park/Open Space.
121	3302	1	355 BROAD ST	15C	0.96	No	0.0	Does not Qualify, Park/Open Space.
122	3303	2	301 BROAD ST	15C	2.79	No	0.0	Does Not Qualify, Developed
123	3307	34	3 BEAUVOIR PL	1	0.10	No	0.0	Lot too small to qualify for RDP Analysis.
124	3307	56	4 WALNUT ST	1	0.19	No	0.0	Lot too small to qualify for RDP Analysis.
125	3307	33	1 BEAUVOIR PL	1	0.10	No	0.0	Lot too small to qualify for RDP Analysis.
126	3307	16	27 BEAUVOIR AVE	1	0.13	No	0.0	Lot too small to qualify for RDP Analysis.
127	3307	6	225 MORRIS AVE	1	0.25	No	0.0	Lot too small to qualify for RDP Analysis.
128	3307	13	17-19 BEAUVOIR AVE	1	0.11	No	0.0	Lot too small to qualify for RDP Analysis.
129	3307	14	21 BEAUVOIR AVE	1	0.11	No	0.0	Lot too small to qualify for RDP Analysis.
130	3307	15	25 BEAUVOIR AVE	1	0.09	No	0.0	Lot too small to qualify for RDP Analysis.
131	3307	8	229-231 MORRIS AVE	1	0.18	No	0.0	Lot too small to qualify for RDP Analysis.
132	3311	1	350 BROAD ST	15C	1.84	No	0.0	Does not Qualify, Park/Open Space.
133	3311	15	26 ELM STREET	15C	1.22	No	0.0	Does not Qualify, Park/Open Space.
134	3311	14	30-42 ELM STREET	15F	0.00	No	0.0	Does Not Qualify, Common Element.
135	3311	3	20 SUMMIT AVENUE	15F	0.00	No	0.0	Does Not Qualify, Common Element.
136	3312	1	MAPLE & ELM ST	15C	1.73	No	0.0	Does not Qualify, Park/Open Space.
137	3312	2	25 ELM ST	15C	0.93	No	0.0	Lot too small to qualify for RDP Analysis.
138	3401	19	14 FRANKLIN PL	1	0.58	No	0.0	Lot too small to qualify for RDP Analysis.
139	3401	15	32 FRANKLIN PL	1	0.04	No	0.0	Lot too small to qualify for RDP Analysis.
140	3401	36	27 EDGEWOOD DRIVE	15C	2.20	No	0.0	Does not qualify, Contained by steep slopes.
141	3401	4.01	82 FRANKLIN PL	15F	0.97	No	0.0	Does Not Qualify, Common Element.
142	3501	56	10 FRIAR TUCK CIRCLE	1	1.91	Yes	1.91	Qualifies. Not accounted for in last VLA
143	3501	34	63-65 PROSPECT HILL AVE	1	0.09	No	0.0	Lot too small to qualify for RDP Analysis.
144	3501	39	69-73 PROSPECT HILL AVE	1	0.10	No	0.0	Lot too small to qualify for RDP Analysis.
145	3604	1	59-63 BROAD ST	15C	0.12	No	0.0	Lot too small to qualify for RDP Analysis.
146	3702	27	91 SPRINGFIELD AVE	15F	0.00	No	0.0	Does Not Qualify, Common Element.

VLA ID #	BLOCK	LOT	Property Location	Property Class	Lot Area (ac)	Developable?	Developable Area (ac)	Comments
147	3703	5	6 GROVE STREET	1	0.21	No	0.0	Lot too small to qualify for RDP Analysis.
148	3703	4	10 GROVE STREET	1	0.37	No	0.0	Lot too small to qualify for RDP Analysis.
149	3704	7	52 BROAD STREET	1	0.23	No	0.0	Lot too small to qualify for RDP Analysis.
150	3704	10	7 GROVE STREET	1	0.18	No	0.0	Lot too small to qualify for RDP Analysis.
151	3706	8	41 BROAD ST	1	0.11	No	0.0	Lot too small to qualify for RDP Analysis.
152	3801	7	36 SPRINGFIELD AVENUE	1	0.00	No	0.0	Lot too small to qualify for RDP Analysis.
153	3801	6	48 SPRINGFIELD AVENUE	1	0.23	No	0.0	Lot too small to qualify for RDP Analysis.
154	3801	5	40 SPRINGFIELD AVE	15C	3.06	No	0.0	Does not qualify. Developed.
155	3801	1	58 SPRINGFIELD AVENUE	15C	0.20	No	0.0	Lot too small to qualify for RDP Analysis.
156	3801	3	54 SPRINGFIELD AVENUE	15F	0.49	No	0.0	Does Not Qualify. Common Element.
157	3901	3.01	4 PARK AVE	15F	0.00	No	0.0	Does Not Qualify. Common Element.
158	3905	9	16 JOHN ST	15F	0.11	No	0.0	Lot too small to qualify for RDP Analysis.
159	3908	7	39 MORRIS AVE	15F	0.37	No	0.0	Does Not Qualify. Common Element.
160	3909	34	114 ORCHARD STREET	1	0.19	No	0.0	Lot too small to qualify for RDP Analysis.
161	3909	5	28 MORRIS AVENUE	15F	0.00	No	0.0	Does Not Qualify. Common Element.
162	3910	5	15 BRIANT PKWY	1	0.39	No	0.0	Lot too small to qualify for RDP Analysis.
163	3911	1	58 SPRINGFIELD AVENUE	15C	14.54	No	0.0	Does not Qualify. Park/Open Space.
164	3915	1	74 MORRIS AVENUE	1	0.27	No	0.0	Lot too small to qualify for RDP Analysis.
165	3915	9	52 MORRIS AVENUE	15F	0.00	No	0.0	Does Not Qualify. Common Element.
166	4002	36	261 BROAD ST	1	1.05	No	0.0	Does not qualify. Developed as a commercial parking lot
167	4002	19	40 ORCHARD STREET	1	0.13	No	0.0	Lot too small to qualify for RDP Analysis.
168	4002	27	22 ORCHARD STREET	15F	0.00	No	0.0	Does Not Qualify. Common Element.
169	4002	31	103 PARK AVENUE	15F	0.00	No	0.0	Does Not Qualify. Common Element.
170	4002	30	10-16 ORCHARD STREET	15F	0.00	No	0.0	Does Not Qualify. Common Element.
171	4002	28	20 ORCHARD STREET	15F	0.00	No	0.0	Does Not Qualify. Common Element.
172	4005	5	64 PARK AVENUE	15F	0.31	No	0.0	Does Not Qualify. Common Element.
173	4006	5	80 PARK AVE	1	0.11	No	0.0	Lot too small to qualify for RDP Analysis.
174	4008	8	220 BROAD STREET	1	0.16	Yes	0.16	Qualifies. Harmen Holdings site.
175	4009	21	146 BROAD ST	1	0.32	No		Lot too small to qualify for RDP Analysis.
176	4101	32	47 SHUNPIKE RD	1	0.56	Yes	0.56	Qualifies. Block 4101 Lots 32 and 33 under common ownership. Impacted by environmental constraints.
177	4101	33	53 SHUNPIKE RD	1	1.22	Yes	0.92	
178	4101	28.01	SHUNPIKE RD REAR	15C	1.20	No	0.0	Does not Qualify. Park/Open Space.
179	4101	27	94-102 MORRIS AVE	15C	6.68	No	0.0	Does not qualify. Developed as Community Center / Recreation Center.
180	4102	23	9-80 EGGERS COURT	15F	0.00	No	0.0	Does Not Qualify. Common Element.
181	4208	12	1-3 ASHWOOD COURT	15F	0.21	No	0.0	Does Not Qualify. Common Element.
182	4209	1	120 MORRIS AVE	15F	0.78	No	0.0	Lot too small to qualify for RDP Analysis.
183	4209	9	25-27 RUSSELL PLACE	15F	0.26	No	0.0	Does not qualify. Developed.
184	4210	2	31 RUSSELL PL	15C	0.14	No	0.0	Lot too small to qualify for RDP Analysis.
185	4301	19	124 ASHWOOD AVE.	1	0.20	No	0.0	Lot too small to qualify for RDP Analysis.

VLA ID #	BLOCK	LOT	Property Location	Property Class	Lot Area (ac)	Developable?	Developable Area (ac)	Comments
186	4301	25	100 ASHWOOD AVENUE	15A	8.39	No	0.0	Does Not Qualify. School Property. Developed.
187	4301	7	106 BAL TUSROL ROAD	15C	15.57	No	0.0	Does Not Qualify. Park/Open Space.
188	4301	41	60 MICHIGAN AVENUE	15C	11.14	No	0.0	Does Not Qualify. Park/Open Space.
189	4301	6	108 BAL TUSROL RD	15C	1.22	No	0.0	Does Not Qualify. Park/Open Space.
190	4402	3	11 MALVERN DR	15F	0.24	No	0.0	Lot too small to qualify for RDP Analysis.
191	4403	36.01	10 GLEN AVE (REAR)	15C	0.06	No	0.0	Lot too small to qualify for RDP Analysis.
192	4405	10	16 VALEMONT WAY	15F	0.17	No	0.0	Lot too small to qualify for RDP Analysis.
193	4501	42	41 GLENSIDE AVE	1	0.22	No	0.0	Lot too small to qualify for RDP Analysis.
194	4501	39	MORRIS & GLENSIDE AVE.	15C	0.50	No	0.0	Does Not Qualify. Park/Open Space.
195	4501	27	99 GLENSIDE AVENUE	15C	10.58	No	0.0	Does Not Qualify. Park/Open Space.
196	4601	1	89 TULIP STREET	15A	3.37	No	0.0	Does Not Qualify. School Property. Developed.
197	4601	3	85 LARNED ROAD	15C	16.79	No	0.0	Does Not Qualify. Park/Open Space.
198	4601	2	5 MYRTLE AVENUE	15C	3.21	No	0.0	Does Not Qualify. Park/Open Space.
199	4603	23	12 LAUREL AVE	1	0.13	No	0.0	Lot too small to qualify for RDP Analysis.
200	4608	1	37 LAUREL AVENUE	15C	1.14	No	0.0	Does not Qualify. Park/Open Space.
201	4702	5	114 PINE GROVE AVE	1	0.16	No	0.0	Lot too small to qualify for RDP Analysis.
202	4709	1	200 ASHLAND ROAD	15C	0.08	No	0.0	Lot too small to qualify for RDP Analysis.
203	4803	11.01	205 GLENSIDE AVE	1	0.33	No	0.0	Does Not Qualify. Park/Open Space.
204	4803	12	249 GLENSIDE AVE	15C	5.34	No	0.0	Does Not Qualify. Park/Open Space.
205	4803	11	201 GLENSIDE AVE	15C	117.63	No	0.0	Does Not Qualify. Park/Open Space.
206	4901	3	140 GLENSIDE AVE	15C	63.50	No	0.0	Does Not Qualify. Park/Open Space.
207	4901	1.01	196 GLENSIDE AVE	15C	35.75	No	0.0	Does Not Qualify. Park/Open Space.
208	5001	1	500 GLENSIDE AVE	15C	79.90	No	0.0	Does Not Qualify. Park/Open Space.
209	5203	15	14 CLEVELAND ROAD	1	0.48	No	0.0	Lot too small to qualify for RDP Analysis.
210	5203	6	233 ASHLAND RD	1	0.18	No	0.0	Lot too small to qualify for RDP Analysis.
211	5305	9	6 HIGHLAND DRIVE	1	0.34	No	0.0	Lot too small to qualify for RDP Analysis.
212	5601	2.01	360 MOUNTAIN AVE	1	1.55	No	0.0	Does not qualify. No frontage/access. Constrained wetlands.
213	5606	22	300 GLENSIDE AVE	15C	3.42	No	0.0	Does Not Qualify. No access/frontage.
214	102	1	190 RIVER ROAD	4A	4.40	Yes	4.40	Qualifies. Proposed Onyx/Russo Development site.
215	4008	11	131 MORRIS AVE	2	0.45	Yes	0.45	Qualifies. Harmen Holdings site.
216	4008	9	7-11 ASHWOOD AVE	4A	0.16	Yes	0.16	Qualifies. Harmen Holdings site.

**Land Categorization**

Total Vacant, Public, or Potentially Developable Land (ac)	704.14 ac
Total Developable Area Qualifying for RDP Analysis	9.24 ac
Total RDP	18 units <sup>(1)</sup>

(1) Presumptive density of 6 du/ac applied to 10 Friar Truck & 47 & 53 Shunpike Rd.; 12 du/ac applied to all other RDP sites.





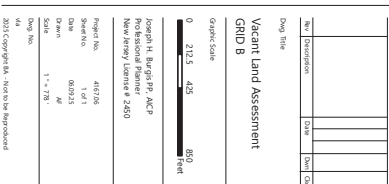


CHATHAM BORO

MILBURN TOWNSHIP

Rutgers Center for Remote Sensing and Spatial Analysis

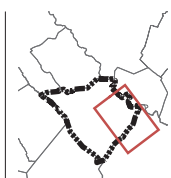
Source 1: Municipal boundary data from NIDEP.  
Source 2: Street centerlines data from NIDEP.  
Source 3: Parcel data from NJ/CO Warehouse, Union County.  
Source 4: Wetlands/Stream data from NIDEP.  
Source 5: AE Zone data from FEMA.  
Source 6: Slope data from NIDEP.  
Source 7: Climate Adjusted Flood Elevation data from Rutgers.

BURGIS  
ASSOCIATES, INC.

25 Westwood Avenue  
Westwood, New Jersey 07675  
Tel: 201.666.1881  
Fax: 201.666.2994

City of Summit  
Union County, New Jersey

Jersey

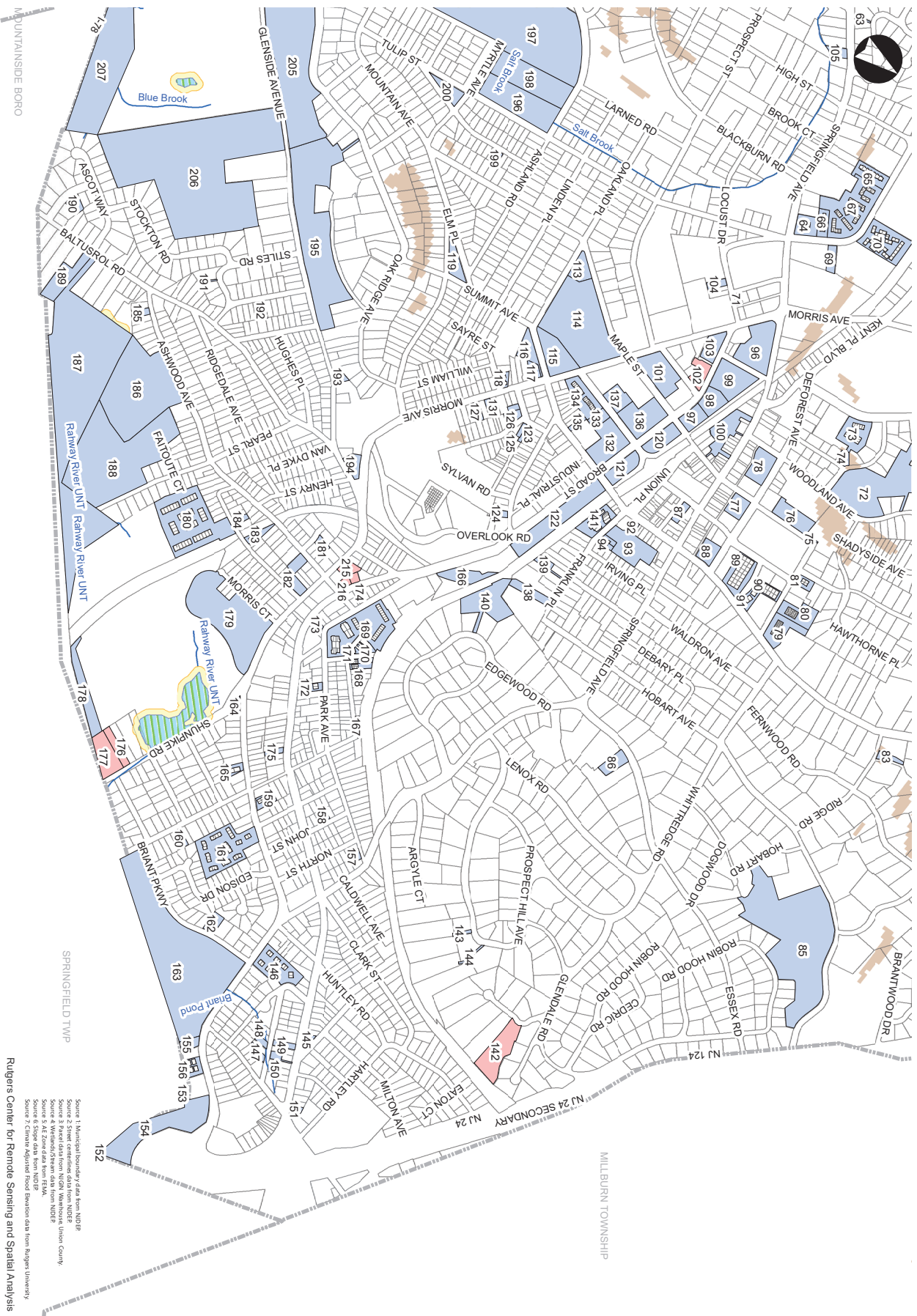


### Legend

Legend:

- Municipal Boundaries (Grey outline)
- Parcels (White box)
- Wetland (Green box)
- Wetland Buffer (Yellow box)
- AE Zone (Blue box with diagonal lines)
- Stream (Blue line)
- Slopes > 15% (White box)
- Slopes < 15% (Brown box)
- VLA Parcels (White box)
- Qualifies for RDP (Blue box)
- No (Red box)
- Yes (Green box)





Source 1: Municipal boundary data from NJDEP  
Source 2: Parcel data from NJDEP  
Source 3: Parcel data from NJDEP  
Source 4: Wetland/Stream data from NJDEP  
Source 5: Wetland/Stream data from NJDEP  
Source 6: Wetland/Stream data from NJDEP  
Source 7: Census Adjusted Flood Elevation data from Rutgers University

Rutgers Center for Remote Sensing and Spatial Analysis

**Burgis Associates, Inc.**  
2000 Morris Ave.  
Morris, NJ 07960  
Tel: 908.526.1111  
Fax: 908.526.1112

**2025 Housing Element & Fair Share Plan**  
City of Summit  
Union County, New Jersey

Project Title:  
2025 Housing Element & Fair Share Plan

**Legend**

- Municipal Boundary
- Parcel
- Wetland
- Wetland Buffer
- AE Zone
- Stream
- Slopes > 15 %
- Slopes < 15 %
- VIA Parcels
- Qualities for RDP
- Yes
- No

Map Title	2025 Housing Element & Fair Share Plan
Project No.	2025-001
Sheet No.	1 of 1
Date	06/25/2025
Scale	1" = 75'
Graphic Scale	0 212.5 425 Feet
Prepared By	Joseph H. Burgis, P.E., ACP
Reviewed By	Robert J. Burgis, P.E., ACP
Drawn By	Robert J. Burgis, P.E., ACP
Check By	Robert J. Burgis, P.E., ACP
Map Title	2025 Housing Element & Fair Share Plan
Project No.	2025-001
Sheet No.	1 of 1
Date	06/25/2025
Scale	1" = 75'
Graphic Scale	0 212.5 425 Feet
Prepared By	Joseph H. Burgis, P.E., ACP
Reviewed By	Robert J. Burgis, P.E., ACP
Drawn By	Robert J. Burgis, P.E., ACP
Check By	Robert J. Burgis, P.E., ACP



# 2016 (3rd Round) Settlement Agreement with Fair Share Housing Center

---





**AGREEMENT TO RESOLVE ISSUES BETWEEN THE CITY OF SUMMIT AND FAIR SHARE HOUSING CENTER CONCERNING THE CITY'S MOUNT LAUREL FAIR SHARE OBLIGATIONS AND THE MEANS BY WHICH THE CITY SHALL SATISFY SAME.**

**In the Matter of the City of Summit, County of Union, Docket No. UNN-L-2440-15**

**THIS SETTLEMENT AGREEMENT** ("Agreement") made this 21st day of September, 2016, by and between:

**CITY OF SUMMIT**, a municipal corporation of the State of New Jersey, County of Union, having an address at 512 Springfield Avenue, Summit, New Jersey 07901 (hereinafter the "City" or "Summit");

And

**FAIR SHARE HOUSING CENTER**, having an address at 510 Park Boulevard, Cherry Hill, New Jersey 08002, (hereinafter "FSHC");

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the City filed the above-captioned matter on July 2, 2015 seeking, among other things, a judicial declaration that its amended Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), as may be further amended in accordance with the terms of this settlement, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and

**WHEREAS**, the City simultaneously sought and ultimately secured an Order protecting Summit from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

**WHEREAS**, the immunity secured by Summit remains in force as of the date of this Agreement; and

**WHEREAS**, the trial court appointed Philip B. Caton, P.P., F.A.I.C.P., as the "Special Master" in this case as is customary in Mount Laurel matters; and

**WHEREAS**, with Mr. Caton's assistance, Summit and FSHC have engaged in good faith negotiations and have reached an amicable accord on the various substantive provisions, terms and conditions delineated herein; and

**WHEREAS**, through that process, the City and FSHC agreed to settle the litigation and to present that settlement to the trial court, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households; and

**WHEREAS**, at this time and at this particular point in the process resulting from the Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need, instead of doing so through plenary adjudication of the present and prospective need.

**NOW, THEREFORE**, in consideration of the promises, the mutual obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties, the parties hereto, each binding itself, do hereby covenant and agree, each with the other, as follows:

### **Settlement Terms**

The City and FSHC hereby agree to the following general terms, subject to any relevant conditions set forth in more detail below:

1. Summit's "Rehabilitation" obligation is 131.
2. Summit's "Prior Round" obligation is 171.
3. Summit's allocation of the Round 3 regional need is 567.
4. FSHC and the City agree that Summit does not accept the basis of the methodology or calculations proffered by FSHC's consultant, David N. Kinsey, PhD, P.P., F.A.I.C.P. The Parties agree to the terms in this agreement solely for purposes of settlement of this action. Although the City does not accept the basis of the methodology or calculations proffered by FSHC's consultant, FSHC contends, and is free to take the position before the court, that the 567-unit obligation should be accepted by the Court because it is based on the Prior Round methodology and reflects a 30-percent reduction of Dr. Kinsey's May 2016 calculation of the City's Third Round fair share obligation.
5. Pursuant to the framework set forth in N.J.A.C. 5:93-4.2 and as agreed upon by FSHC, the City, and Special Master Caton, Summit's current Realistic Development Potential (hereinafter "RDP") is 36.
6. **Satisfaction of Rehabilitation Obligation:** The City shall satisfy its Rehabilitation obligation by continuing to collaborate with the Summit Housing Authority to implement its Rehabilitation Program as well as the Union County Home Improvement Program.
7. **Credits and Satisfaction of the City's RDP:** The City has satisfied its RDP and has additional credits as follows:

Site #	Bloc k	Lot	Property Location	Number of Bedrooms	Owner/Operator
1	401	50	1 Greenfield Avenue	2	Our House, Inc.
2	2406	4	43 Glendale Avenue	4	Our House, Inc.
3	1302	81.01	390 Morris Avenue-Unit 1	2	Our House, Inc.
4	1302	81.03	390 Morris Avenue-Unit 3	2	Our House, Inc.
5	1302	81.31	390 Morris Ave. - Unit 31	2	Our House, Inc.
6	4002	31.34	103 Park Ave-Unit E205	2	Our House, Inc.
7			39 Morris Ave	6	Habitat For Humanity
<b>Total</b>				<b>20 Credits</b>	

Additional credits include the following:

<u>Existing Project Location</u>		<u>Unit Count</u>
50 Parmley Place:		2 units
13 North St:	Summit Place's Off-Site Obligation	3 units
120 Morris Ave:	Tiger Baron	2 units
31 Russel Pl	68-72 Franklin Pl Off-Site Obligation	2 units
708-710 Springfield Ave:	Summit Pl Off-Site Obligation	4 units
785 Springfield Ave:	Providence Crossing	2 units
545 Morris Ave:	Promenade	4 units
<b>Subtotal</b>		<b>19 units</b>

<u>Pending Project Location</u>	<u>Acres</u>	<u>Unit Count</u>
Sunrise Assisted Living River St	1.33 ac	8 units
Multi-Family 27-31 Euclid Ave	0.44 ac	1 units
Multi-Family 4-6 Ashwood Ave	0.44 ac	2 units
<b>Subtotal</b>		<b>11 units</b>
<b>Total:</b>		<b>50 Credits</b>

Thus, in total, and for purposes of this settlement agreement, the City is currently entitled to 50 credits to apply to its 36-unit RDP. Subject to confirmation by the Special Master prior to the City's Compliance Hearing, the City is also entitled to as many as 9 rental bonuses, for a maximum of 59 Mount Laurel credits.

The City also executed a 26-unit Regional Contribution Agreement with the City of Elizabeth, which was approved by the Council on Affordable Housing on November 9, 2005, which shall be applied to the unmet need.

8. **Actions to Capture Additional Affordable Housing Opportunities:** For the purposes of settlement, the City agrees to take the following actions to address all, or a portion of, the remaining portion of its Prior Round obligations and its allocation of the Round 3 regional need, which total 653 units:

- a. Subject to all MLUL provisions, including the required notice and public hearings, the City will adopt Mount Laurel overlay zoning ordinances consistent with the report issued by Joseph H. Burgis, P.P., A.I.C.P., the City's consulting planner, dated December 7, 2015 as modified by the report dated October 1, 2016 and attached hereto as Exhibit A.
- b. Subject to all MLUL provisions, including the required notice and public hearings, the City will also amend the zoning ordinances on the sites currently zoned for multi-family apartments to impose a mandatory 15 percent affordable housing set-aside for rental units and a mandatory 20 percent set aside for for-sale units. Developers shall have the opportunity to demonstrate that the set aside percentages set forth above render the proposed project to



be economically infeasible and, upon the provision of satisfactory proofs, may seek relief such as, but not limited to, additional density, a monetary subsidy from the City's Mount Laurel trust fund, bulk/design waivers, a payment in lieu of taxes, or other forms of relief, provided that they shall not be permitted to seek reductions in the set aside required by this agreement and the implementing ordinances.

9. For the purposes of settlement, the City shall not seek any Mount Laurel credits in Summit presently administered by the Summit Housing Authority (SHA). However, the City reserves the right to seek such credits at a later date, and FSHC equally reserves the right to challenge such credits if the issue arises in the future. FSHC also reserves the right to pursue a legal challenge to the "residency preference" associated with the SHA senior site and any other units in the City administered by the Summit Housing Authority now or in the future. All references to SHA units receiving credit in COAH's online systems, including the CTM system, will be deleted by the City within 30 days of the approval of this Agreement by the Court.

10. The City's RDP shall not be revisited by FSHC or any other interested party absent a substantial changed circumstance and, if such a change in circumstance occurs with the RDP, the City shall have the right to address the issue without negatively affecting its continuing entitlement to immunity from all Mount Laurel lawsuits through July 2, 2025.

11. Upon approval of this Settlement Agreement via duly-noticed Fairness Hearing, the City shall formally withdraw its pending Motion for Summary Judgment on the "unmet need" issue.

12. Upon approval of this Settlement Agreement via duly-noticed Fairness Hearing, FSHC shall formally dismiss its pending counterclaims against the City and shall not seek counsel fees or any other similar costs against the City.

13. During period between now and July 1, 2025, Summit shall take all reasonable steps needed to achieve the goal of facilitating the construction of fifty (50) new rental/ownership affordable units within the City in 100% scattered site affordable housing developments, subject to the following parameters.

Because these units are intended to meet what is termed as "unmet need," Summit shall not be required to adopt a "Resolution of Intent to Bond" and is not being required to use funds other than Affordable Housing Trust Funds to render the associated development proposals economically feasible. The City acknowledges, however, that a Resolution of Intent to Bond, a Resolution of Need, tax abatement or other similar financial mechanism require formal actions by the governing body and may be required under certain affordable housing laws or as a condition precedent to the award of certain public subsidy programs. Since such actions are often necessary to develop the affordable housing units contemplated in this paragraph, the City shall not take any action, or inaction, to thwart a development proposal unless it can demonstrate that such action or inaction would violate applicable law or construction of the development in question would violate principles of sound land use planning.

a. At least half of the 50 units shall be available to families.

- b. Summit shall not be required to facilitate construction of a single, 50-unit all-affordable development and agrees, to the maximum extent possible, to rely on non-profit developers to develop the 50 units of affordable housing;
- c. Upon completion and compliance with applicable laws and rules, Summit shall receive "credits" against its 50-unit goal for the pending development by Habitat for Humanity on the "Italian-American Club" site and/or resulting from any of the zoning actions referenced in this paragraph of this Agreement;
- d. Within the first three years following the execution of this Agreement, and in accordance with the provisions set forth in N.J.A.C. 5:93-5.5, the City shall prepare a document that identifies the site or sites and measures through which it intends to facilitate the development of the 50 new affordable units,
- e. This document shall also identify the developer(s) who will develop the 50 new affordable units and enter into developers' agreements with each developer subject to the limitations expressed in subparagraph i. below;
- f. Between the third and the sixth year, Summit shall make all reasonable efforts to facilitate the development approvals and to support applications for the funding needed to achieve the goal of 50 new affordable units;
- g. Between the sixth and tenth year, the City shall make all reasonable efforts to facilitate the actual construction of the developments needed to achieve the goal of 50 new affordable units;
- h. The City shall (i) provide an annual Status Report on the above-referenced actions, including identifying what steps have been taken in the previous year and what steps are anticipated in the following year; (ii) shall conduct a duly-noticed meeting of its Mount Laurel subcommittee during February of each year which shall include on the agenda a discussion of the Status Report; and (iii) shall also discuss the Status Report as an agenda item during a public meeting of the governing body and receive public comment regarding that report during February of each year. The City agrees to provide Fair Share Housing Center and clergy organizations in Summit with 30 days' notice of these meetings.
- i. The parties recognize that Summit may make all reasonable efforts and still not achieve the development of 50 units of affordable sales/ownership housing in 100% affordable developments as contemplated by this agreement and may not accomplish interim steps toward the development of those units. Public subsidies may not be available or other unanticipated factors may arise. Nevertheless, Summit agrees to take all reasonable efforts to overcome barriers, whether identified or not in this agreement, in order to develop 50 units of affordable sales/ownership housing in 100% affordable developments.

14. The City's obligation to provide fifty (50) new rental/ownership affordable units within the City in 100% scattered site affordable housing developments may be reduced to forty (40) at the City's option, which option shall be exercised within twelve (12) months of the date on which this agreement is effective, if the City amends its zoning ordinance covering at least 6.3 acres in the Overlay Zoning Districts identified in Exhibit A to permit an additional story in inclusionary developments. Within twelve (12) months of the execution of this agreement, Summit shall advise FSHC and the Special Master whether it has exercised this option. Summit agrees to adopt all necessary implementing ordinances necessary to exercise this within fifteen (15) months following the execution of this agreement.

15. The City agrees to require 13% of all the affordable units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval as of July 1, 2008, to be very low income units (defined as units affordable to households earning 30 percent or less of the regional median income by household size), with half of the very low income units being available to families. Affordability assistance for low and very low-income households will be addressed in the spending plan to be adopted in the future in accordance with this agreement.

16. To the extent that Summit is entitled to any "bonus credits" to be applied to its Round 3 obligation, such bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d). Furthermore, the City will be entitled to additional rental bonus credits generated by projects that may be developed under this Agreement up to the maximum of 9 rental bonuses for which it is eligible based on its Third Round obligation.

17. At least 50 percent of the units addressing the Third Round Prospective Need, including RDP and unmet need, shall be affordable to a combination of very-low-income and low-income households, while the remaining affordable units shall be affordable to moderate-income households.

18. At least twenty-five percent of the Third Round Prospective Need including RDP and unmet need, shall be met through rental units, including at least half in rental units available to families.

19. At least half of the units addressing the Third Round Prospective Need including RDP and unmet need, in total must be available to families.

20. The City agrees to comply with COAH's Round 2 age-restricted cap of 25 percent, and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the City claim credit toward its fair share obligation for age-restricted units that exceed 25 percent of all units developed or planned to meet its prior round and Round 3 fair share obligations including RDP and unmet need.

21. The City and/or its administrative agent shall add the following entities to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5): Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002), the New Jersey State Conference of the NAACP, the Latino Action Network (P.O. Box 943, Freehold, NJ 07728, East Orange NAACP (P.O. Box 1127, East Orange, NJ 07019), Newark NAACP (P.O. Box 1262, Newark, NJ 07101, Morris County NAACP (P.O. Box 2256, Morristown, NJ 07962, and Elizabeth NAACP (P.O. Box 6732, Elizabeth, NJ 07206), Affordable Housing Professionals of New Jersey, and the New Jersey Housing Resource Center. As part of its regional affirmative marketing strategies during implementation of its fair

share plan, the City and/or its administrative agent shall also provide notice of all available affordable housing units to the above-referenced organizations.

22. All affordable housing units created pursuant to the measures set forth in this Agreement shall comply with the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be affordable to households earning at or below 35 percent of the regional median household income by household size, 13 percent of affordable units in such projects shall be required to be affordable to households earning at or below 30 percent of the regional median household income by household size subject to paragraph 13 herein, and all other applicable law. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law. The City, as part of the Housing Element and Fair Share Plan that will be prepared, adopted and endorsed as a result of this Agreement, shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.

23. Upon full execution of this Agreement, Summit shall place this agreement on file in the City's municipal building and file a copy with the Court for the upcoming scheduled Fairness Hearing, at which the City will seek judicial approval the terms of this Agreement pursuant to the legal standard set forth in Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. City of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). Notice of the Fairness Hearing shall be published at least 30 days in advance of the Hearing. Summit shall also apply to the Court for scheduling a "Compliance Hearing" seeking judicial approval of Summit's Housing Element and Fair Share Plan, once same is prepared, adopted and endorsed. The Fairness and Compliance Hearings can be held concurrently or sequentially, which shall be decided by the Court with consultation by the Special Master, Summit, and FSHC. Although it is expected that the Special Master will provide the majority of the required testimony, Summit shall also make its consulting planner and any other relevant witnesses available for testimony at the Hearing(s). FSHC shall not challenge the validity of any of the documents attached hereto, or the validity of the City's Fair Share Plan. If the Fairness and Compliance Hearing(s) result in approval of this Agreement and the City's Fair Share Plan, the parties agree that the City will be entitled to either a "Judgment of Compliance and Repose" ("JOR") or the "judicial equivalent of substantive certification and accompanying protection as provided under the FHA," 221 N.J. at 6, which shall be determined by the trial judge. Each party may advocate regarding whether substantive certification or repose should be provided by the court, with each party agreeing to accept either form of relief and to not appeal an order granting either repose or substantive certification. Among other things, the entry of such an Order shall maintain Summit's immunity from all Mount Laurel lawsuits through July 2, 2025.

24. Subsequent to the signing of this Agreement, if a binding legal determination by the Judiciary, the Legislature, or any administrative subdivision of the Executive Branch determines that Summit's Round 3 obligation is decreased to 454 or less, with any relevant appeal periods having passed, the City may file a proposed form of Order, on notice to FSHC and the City's Service List, seeking to reduce its Round 3 obligation accordingly. Such relief shall be presumptively granted. Notwithstanding any such reduction, the City shall be obligated to implement the Fair Share Plan prepared, adopted and endorsed as a result of this Agreement, including by leaving in place any site specific zoning adopted or relied upon in connection with the Plan approved pursuant to this settlement agreement; maintaining all mechanisms to address the remaining portion of the City's allocation of the Round 3 regional



need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the City's obligation below that established in this agreement does not provide a basis for seeking leave to amend this agreement or the fair share plan adopted pursuant to this agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the City prevails in reducing its prospective need for Round 3, the City may carry over any resulting surplus credits to Round 4.

25. The City shall prepare a Spending Plan which shall include measures to expend Trust Funds to address the 50 units contemplated in Paragraph 13 above and shall be approved by the Court during, or prior to, a duly-noticed Compliance Hearing. FSHC reserves its right to provide any comments or objections on the Spending Plan to the Court upon review. Upon approval by the Court, the City and Fair Share Housing Center agree that the expenditures of funds contemplated in the City's Spending Plan shall constitute the "commitment" for expenditure required pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period contemplated therein commencing in accordance with the provisions of In re Tp. Of Monroe, 442 N.J.Super. 565 (Law Div. 2015) (aff'd 442 N.J.Super. 563). Upon approval of its Spending Plan the City shall also provide an annual Mount Laurel Trust Fund accounting report to the New Jersey Department of Community Affairs, Council on Affordable Housing, Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and the service list in this matter and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The CTM system shall also be used for this purpose if possible.

26. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the City agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC. In addition to the foregoing, the City may also post such activity on the CTM system and/or file a copy of its report with the Council on Affordable Housing or its successor agency at the State level.

27. The Fair Housing Act includes two provisions regarding action to be taken by the City during the ten-year period of protection provided in this agreement. The City agrees to comply with those provisions as follows:

- a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the City will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.

b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this agreement, and every third year thereafter, the City will post on its municipal website, with a copy provided to Fair Share Housing Center and the service list previously used in this matter, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

c. In addition to the foregoing postings, the City may also elect to file copies of its reports with the Council on Affordable Housing or its successor agency at the State level.

28. This agreement may be enforced by the City or FSHC through a motion to enforce litigant's rights or a separate action filed in Superior Court, Union County. If FSHC determines that such action is necessary, the City consents to the entry of an order providing FSHC party status as an intervenor solely for purposes of its motion to enforce litigant's rights.

29. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement. However, if an appeal of the Court's approval or rejection of the Settlement Agreement is filed by a third party, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division, and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved by the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to return to the *status quo ante*. In this regard, the City and FSHC acknowledge that the parties have entered into this agreement to settle the litigation and that each is free to take such position as it deems appropriate should the matter return to the *status quo ante*.

30. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.

31. This Agreement shall be governed by and construed by the laws of the State of New Jersey.

32. This Agreement may not be modified, amended or altered in any way except by a writing signed by both the City and FSHC.

33. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.

34. The City and FSHC acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each person to sign this Agreement is the proper person and possesses the authority to sign the Agreement, that this Agreement contains the entire understanding of the City and FSHC and that there are



no representations, warranties, covenants or undertakings other than those expressly set forth herein.

35. The City and FSHC acknowledge that this Agreement was not drafted by the City and FSHC, but was drafted, negotiated and reviewed by representatives of the City and FSHC and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. The City and FSHC expressly represent that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.

36. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both the City and FSHC.

37. This Agreement constitutes the entire Agreement between the City and FSHC hereto and supersedes all prior oral and written agreements between the City and FSHC with respect to the subject matter hereof except as otherwise provided herein.

38. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which representatives of the City and FSHC have executed and delivered this Agreement.

39. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the City and FSHC by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days' notice as provided herein:

**TO FSHC:**

Kevin D. Walsh, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
E-mail: kevinwalsh@fairsharehousing.org

**TO THE CITY:**

Michael A. Jedziniak, Esq.  
Jeffrey R. Surenian & Associates, LLC  
707 Union Avenue, Suite 301  
Brielle, NJ 08730  
Phone: (732) 612-3100  
Telecopier: (732) 612-3101  
Email: maj@surenian.com

Albert E. Cruz, Esq.  
DiFrancesco Bateman  
15 Mountain Boulevard

Warren, NJ 07059  
Phone: (908) 757-7800  
Telecopier: (908) 757-8039  
Email: acruz@newjerseylaw.net

**WITH A COPY TO THE  
CITY ADMINISTRATOR:**

Michael Rogers, City Administrator  
City of Summit  
512 Springfield Avenue  
Summit, NJ 07901  
Phone: (908) 277-9419  
Telecopier: (908) 273-2977  
Email: mrogers@cityofsummit.org

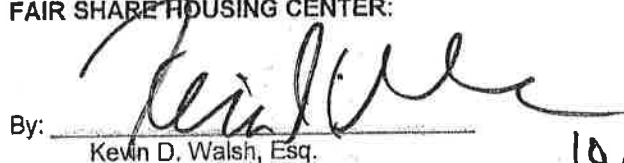
In the event any of the individuals identified above has a successor, the individual identified shall name the successor and notify all others identified of their successor.

**IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement to be properly executed, their corporate seals affixed and attested and this Agreement to be effective as of the Effective Date.

Witness/Attest:



**FAIR SHARE HOUSING CENTER:**

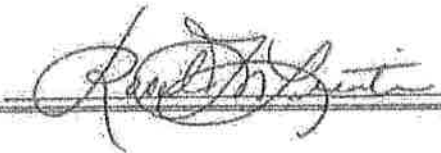



By: \_\_\_\_\_  
Kevin D. Walsh, Esq.  
On Behalf of Fair Share Housing Center

10/14/2016

Witness/Attest:

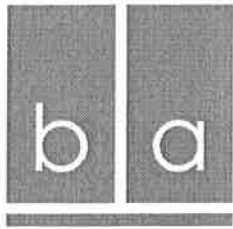
**CITY OF SUMMIT:**



By:   
Nora Radest, Mayor  
On Behalf of the City of Summit

Dated: 10/6/16

# EXHIBIT A



COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

PRINCIPALS:  
*Joseph H. Burgess PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*

**B U R G I S**  
ASSOCIATES, INC.

October 1, 2016

Michael A. Jedziniak, Esq.  
Jeffrey R. Surenian and Associates, LLC  
707 Union Avenue, Suite 301  
Brielle, NJ 08730

Re: City of Summit Housing Plan  
Settlement Agreement  
RDP, VLA, Crediting & Mapping  
BA#: 3052.06

Mike,

Pursuant to your request, I have prepared the following information regarding the City's Realistic Development Potential (RDP), an identification of credits that the City may apply to address RDP and unmet need, an identification of prospective overlay zones to assist the City in meeting its unmet need, and a tabulation of all of the existing multi-family residential zones in the City along with the acreage in these zones. Discussions with the Court Master assisted in this effort. The analysis included a refined vacant land analysis calculation, an identification of development applications that are pending before the City's Planning Board and Zoning Board of Adjustment that the Court Master has indicated are applicable to the determination of RDP along with existing affordable housing projects applicable to RDP, and an enumeration of credits to meet this need. This information is presented in text and mapped form.

The analysis indicates the City has a 36 unit RDP; there are sufficient credits to address this obligation.

The following is offered for your consideration:

1. Realistic Development Potential (RDP)

A refined Realistic Development Potential (RDP) analysis was prepared at the behest of the Court Master. This analysis indicates the City of Summit has a 36 unit RDP. This calculation is function of:

- a. Vacant Land Adjustment (VLA): Our original VLA indicated the City has an RDP of three units. This was determined by analyzing the amount of vacant developable land in the City and applying COAH's minimum presumptive density of six units per acre and then applying a twenty percent set-aside to determine RDP, per COAH's regulations. This analysis was presented to the Court Master.

In a recent discussion with the Court Master it was suggested that a presumptive density of twelve units per acre would be more appropriate to utilize, given the magnitude of the City's multi-family densities set forth in the local zoning ordinance. The application of this density would result in an RDP base upon vacant developable of six units. This is based on a total of 2.34 acres of vacant developable land (pursuant to the COAH methodology), applying a twelve unit per acre density to this figure, and then imposing a twenty percent set-aside to the calculation.

Calculation: 6 unit RDP

- b. Pending Applications: The table set forth in Section 2 below indicates there are eleven units of affordable housing that are part of five pending development applications before the City's planning and zoning boards. According to the Court Master they are to be counted towards RDP.

Calculation: 11 unit RDP

Thus, the VLA and pending applications noted in Section 2 below establish a 17 unit RDP.

- c. Additional existing Affordable Housing Applicable to the RDP calculation: The table set forth in Section 3 below indicates nineteen units of existing affordable housing, per the comments by the Court Master, are to be counted as RDP due to the timing of their development.

Calculation: 19 unit RDP

These 19 units, in conjunction with the 17 units noted above, results in a 36 unit RDP. As detailed elsewhere, this 36 unit RDP is addressed through at least 65 credits that may be applied to this RDP.

## 2. Development Applications Pending Before City's Planning Board and Zoning Board of Adjustment and Vacant Land Adjustment Applicable to Realistic Development Potential (RDP)

The following development applications are presently before the City's approving authorities. Note that I have not included those applications that pertain to house additions, driveways serving single family houses, and the like.

<u>Project</u>	<u>Location</u>	<u>Acres</u>	<u>Unit Count</u>
Sunrise Assisted Living	River St	1.33 ac	80 units assisted living incl 8 AH units
Multi-Family	51 DeForest Ave	0.23 ac	4 units
Multi-Family	27-31 Euclid Ave	0.44 ac	6 units incl 1 AH unit
Two Two-Family	248-250 Morris Ave	0.34 ac	4 units
Multi-Family	4-6 Ashwood Ave	0.44 ac	8 units incl 2 AH units (Re-approved)

The accompanying map presented at the end of this report depicts where these applications are located. As can be seen, in all cases but one, these sites are located in areas that are already zoned for multi-family residential use.

These five developments encompass 2.78 acres. Assuming a development density of 20 units per acre and a 20 percent set-aside, this would generate an 11 unit RDP. This, plus the 6 unit RDP from the vacant land adjustment that has been calculated previously would result in the aforementioned 17 unit portion of the RDP.

### 3. Existing Affordable Housing Projects Applicable to Realistic Development Potential (RDP)

The following existing affordable housing projects generate 19 RDP units, as follows:

50 Parmley Place:		2 units
13 North St:	Summit Place's Off-Site Obligation	3 units
120 Morris Ave:	Tiger Baron	2 units
31 Russel Pl	68-72 Franklin Pl Off-Site Obligation	2 units
708-710 Springfield Ave:	Summit Pl Off-Site Obligation	4 units
785 Springfield Ave:	Providence Crossing	2 units
545 Morris Ave:	Promenade (AKA DP Morris)	4 units

These seven projects are identified on the same map referenced above, attached hereto, that identifies development applications pending before the City's Planning Board and Zoning Board of Adjustment.

These units, in conjunction with the other units noted above, indicates the City has a total RDP of 36 units.

### 4. Credits

There are a total of 50 credits that may be applied to address this RDP. These include the following.

#### a. Group Homes (20 units)

The number of special needs group homes in the community is as follows, generating 20 units of credit:



Site #	Block	Lot	Property Location	# of Bedrooms	Owner/Operator
1	401	50	1 Greenfield Avenue	2	Our House, Inc.
2	2406	4	43 Glendale Avenue	4	Our House, Inc.
3	1302	81.01	390 Morris Avenue-Unit 1	2	Our House, Inc.
4	1302	81.03	390 Morris Avenue-Unit 3	2	Our House, Inc.
5	1302	81.31	390 Morris Avenue-Unit 31	2	Our House, Inc.
6	4002	31.34	103 Park Avenue-Unit E205	2	Our House, Inc.
7			39 Morris Ave	6	Habitat For Humanity
<b>Total</b>				<b>20</b>	

- b. Units From Existing Affordable Housing Projects (19 units): These 19 units are those listed in Section 3 above.
- c. Units From Pending Development Applications: (11 units) These 11 units are those listed in Section 2 above.

In addition, there are up to nine rental bonus credits that are likely applicable to this crediting process.

#### 5. Overlay Zones

A second map that is attached hereto identifies eight overlay zones wherein affordable housing overlay zones may be considered. They are identified as follows:

PROPOSED OVERLAY ZONE 1				
BLOCK	LOT	PROPERTY ADDRESS	ACREAGE	
3303	1	255-269 BROAD STREET	1.25	
4002	34	231-253 BROAD111-113 PARK	2.36	
4002	36	261 BROAD STREET	0.90	
TOTAL ZONE 1 ACERAGE			4.51	

PROPOSED OVERLAY ZONE 2				
BLOCK	LOT	PROPERTY ADDRESS	ACREAGE	
4002	32	105-7 PARK AVE	0.42	
TOTAL ZONE 2 ACERAGE			0.42	

PROPOSED OVERLAY ZONE 3			
BLOCK	LOT	PROPERTY ADDRESS	ACREAGE
3309	10	19 SUMMIT AVE	0.17
3309	11	21 SUMMIT AVE	0.10
3309	12	23 SUMMIT AVE	0.44
3309	13	25 SUMMIT AVE	0.17
3309	14	27 SUMMIT AVE	0.84
3309	15	9 INDUSTRIAL PLACE	0.20
3309	16	15 INDUSTRIAL PL	0.17
3309	17	15-21 INDUSTRIAL PL	0.06
3309	17.01	17 INDUSTRIAL PL	0.09
3310	1	31-5 SUMMIT AVE	0.22
3310	2	324-326 BROAD ST	0.15
3310	3	320-22 BROAD ST	0.12
3310	3.01	312-14 BROAD ST	0.12
3310	3.02	316-18 BROAD ST	0.13
3310	4	308-10 BROAD ST	0.13
3310	5	290 BROAD STREET	0.50
3310	6	288 BROAD STREET	0.13
3310	7	278-288 BROAD ST	0.57
TOTAL ZONE 3 ACERAGE			4.30

PROPOSED OVERLAY ZONE 4			
BLOCK	LOT	PROPERTY ADDRESS	ACREAGE
402	1	527 MORRIS AVE	0.09
402	2	529 MORRIS AVE	0.28
402	3	531-33 MORRIS AVE	0.12
402	4	535 MORRIS AVENUE	0.24
402	5	44 PLAIN ST	0.41
402	6	42 PLAIN ST	0.20
402	7	40 PLAIN ST	0.20
402	61	10 AUBREY ST	0.16
402	62	8 AUBREY ST	0.16
402	63	6 AUBREY ST	0.17
TOTAL ZONE 4 ACERAGE			2.04

PROPOSED OVERLAY ZONE 5			
BLOCK	LOT	PROPERTY ADDRESS	ACREAGE
1908	1	367 SPRINGFIELD AVE	0.15
1908	2	371 SPRINGFIELD AVE	0.07
1908	3	375-379 SPRINGFIELD AVE	0.15
1908	4	381 SPRINGFIELD AVE	0.05
1908	5	383-385 SPRINGFIELD AVE	0.10
1908	6	387 SPRINGFIELD AVE	0.07
1908	7	389 SPRINGFIELD AVE	0.07
1908	8	395-397 SPRINGFIELD AVE	0.15
1909	1	401 SPRINGFIELD AVE	0.13
1909	2	407-409 SPRINGFIELD AVE	0.12
1909	3	411-13-17 SPRINGFIELD AVE	0.18
1909	4	419 SPRINGFIELD AVE	0.04
1909	5	423-429 SPRINGFIELD AVE	0.17
1909	6	431-437 SPRINGFIELD AVE	0.13
1909	7	441 SPRINGFIELD AVENUE	0.05
1909	8	443-445 SPRINGFIELD AVE	0.06
1911	1-1.22	447-461 SPRINGFIELD AVE (ACERAGE CONSOLIDATED FOR LOTS 1-1.22)	0.46
1911	2	463-469 SPRINGFIELD AVE	0.13
1911	3	475 SPRINGFIELD AVE	0.17

1911	4	485-487 SPRINGFIELD AVE	0.13
1912	18	2-4-6 KENT PLACE BLVD	0.18
2601	1	9 UNION PL	0.06
2601	2	11 UNION PL	0.06
2601	3	13 UNION PL	0.06
2601	4	17-19 UNION PL	0.11
2601	5	21 UNION PL	0.06
2601	6	25 UNION PL	0.06
2601	7	31-37 UNION PL	0.11
2601	8	39-45 UNION PL	0.20
2602	1	13 BEECHWOOD RD	0.09
2602	2	17 BEECHWOOD RD	0.04
2602	3	18-22 BANK STREET	0.11
2602	4	12 BANK ST	0.15
2602	5	10 BANK ST	0.05
2602	6	90 SUMMIT AVE	0.05
2602	7	88 SUMMIT AVE	0.04
2602	8	84 SUMMIT AVE	0.09
2603	1	21-5 BEECHWOOD RD	0.27
2603	2	27 BEECHWOOD ROAD	0.16
2603	3	358 SPRINGFIELD AVE	0.04
2603	4	356 SPRINGFIELD AVE	0.07
2603	6	350 SPRINGFIELD AVE	0.33
2603	7	344-346 SPRINGFIELD AVE.	0.04
2603	8	96-98 SUMMIT AVE	0.05
2604	1	341 SPRINGFIELD AVE	0.16
2604	2	343-5-7-9 SPRINGFIELD AVE	0.21
2604	3	353 SPRINGFIELD AVE	0.11
2604	4	355 SPRINGFIELD AVE	0.07
2604	5	357 SPRINGFIELD AVE	0.07
2604	6	359 SPRINGFIELD AVE	0.06
2604	7	361-365 SPRINGFIELD AVE	0.16
2604	8	37 BEECHWOOD RD	0.06
2608	5	321 SPRINGFIELD AVE	0.14
2608	6	333 SPRINGFIELD AVE	0.33
2608	8	107-113 SPRINGFIELD AVE	0.84
2614	1	67 SUMMIT AVENUE	0.27

2614	2	71 SUMMIT AVE	0.11
2614	3	73 SUMMIT AVE	0.06
2614	4	75-77 SUMMIT AVE	0.06
2614	5	83-85-87 SUMMIT AVE	0.11
2614	6	89 SUMMIT AVE	0.09
2614	7	93-95 SUMMIT AVE	0.09
2614	8	97-99 SUMMIT AVE	0.16
2614	9	330-342 SPRINGFIELD AVE	0.34
2614	10	326 SPRINGFIELD AVE	0.07
2614	11	46 GLENWOOD PL	0.06
2703	1	494 SPRINGFIELD AVE	0.02
2703	2	482-488 SPRINGFIELD AVE	0.12
2703	4	478 SPRINGFIELD AVE	0.09
2703	5	466-474 SPRINGFIELD AVE	0.25
2703	7	462 SPRINGFIELD AVE	1.40
2703	8	458 SPRINGFIELD AVE	0.07
2703	9	446-456 SPRINGFIELD AVE	0.16
2703	10	440-444 SPRINGFIELD AVE	0.06
2703	11	438 SPRINGFIELD AVE	0.06
2703	12	434 SPRINGFIELD AVE	0.08
2703	13	430-432 SPRINGFIELD AVE	0.07
2703	14	428 SPRINGFIELD AVE	0.08
2703	15	426 SPRINGFIELD AVE	0.06
2703	16	420 SPRINGFIELD AVE	0.07
2703	17	412-414 SPRINGFIELD AVE	0.06
2703	18	408-410 SPRINGFIELD AVE	0.09
2703	20	402-404 SPRINGFIELD AVE	0.07
2703	21	27-29 MAPLE ST	0.03
2703	22	23-33 MAPLE ST	0.05
2703	23	35-39 MAPLE ST	0.08
2703	24	41-45 MAPLE ST	0.19
2703	25	47-49-51 MAPLE ST	0.21
2704	1	46-50 MAPLE ST	0.12
2704	2	44 MAPLE ST	0.05
2704	3	42 MAPLE ST	0.05
2704	4	38-40 MAPLE ST	0.13
2704	5	34-36 MAPLE ST	0.11

2704	6	28-30-32 MAPLE ST	0.17
2704	7	26 MAPLE ST	0.04
2704	8	396 SPRINGFIELD AVE.	0.06
2704	9	392 SPRINGFIELD AVE	0.09
2704	10	374-382 SPRINGFIELD AVENU	1.18
2704	11	67-71 UNION PL	0.14
2704	12	73-75 UNION PL	0.04
TOTAL ZONE 5 ACERAGE			14.26

PROPOSED OVERLAY ZONE 6			
BLOCK	LOT	PROPERTY ADDRESS	ACREAGE
1906	1	25 DE FOREST AVE	4.19
TOTAL ZONE 6 ACERAGE			4.19

PROPOSED OVERLAY ZONE 7			
BLOCK	LOT	PROPERTY ADDRESS	ACREAGE
4002	17	39 PARK AVE	0.76
TOTAL ZONE 7 ACERAGE			0.76

PROPOSED OVERLAY ZONE 8			
BLOCK	LOT	PROPERTY ADDRESS	ACREAGE
4208	1	146 MORRIS AVE	0.91
TOTAL ZONE 8 ACERAGE			0.91



These overlay areas, totaling 31.39 acres, are developed, but have redevelopment potential. In an effort to encourage additional affordable housing construction, they are being identified as potential affordable housing overlay zones. At twelve units per acre with a twenty percent set-aside, these areas have the potential for as many as 75 affordable housing units.

6. Existing Multi-Family Zones in the City of Summit

It is also notable that the City of Summit has extensive areas of the community that are already zoned for multi-family housing. The accompanying table and map identifies the twelve zone districts that permit multi-family housing. These twelve zones encompass 238.83 acres, representing 6.2 percent of the City's total area. These 238.83 acres account for 7.4 percent of the parcels in the City (exclusive of roads).

**Table: Existing Multi-Family Zones, City of Summit, New Jersey**

<b>Zone</b>	<b>Zone Description</b>	<b>Acreage</b>	<b>Density (du/ac)</b>
B	Business Zone	51.80	N/A
CRBD	Central Retail Business District	13.61	N/A
GW-1	Gateway I Zone	2.92	N/A
GW-II	Gateway II Zone	8.08	20-29
MF	Multi-Family Residential Zone	98.31	12
MF/TOD	Multi-Family Transit Oriented Development Zone	11.03	12-17
MFT	Multi-Family Tower Residential Zone	15.42	20
NB	Neighborhood Business Zone	15.34	N/A
ORC	Office Residential Character Zone	5.76	N/A
ORC-1	Office Residential Character Zone	5.08	N/A
TH-1	Townhouse 1 Zone	5.30	8
TH-2	Townhouse 2 Zone	6.18	
---	<b>TOTAL</b>	<b>238.83 acres</b>	

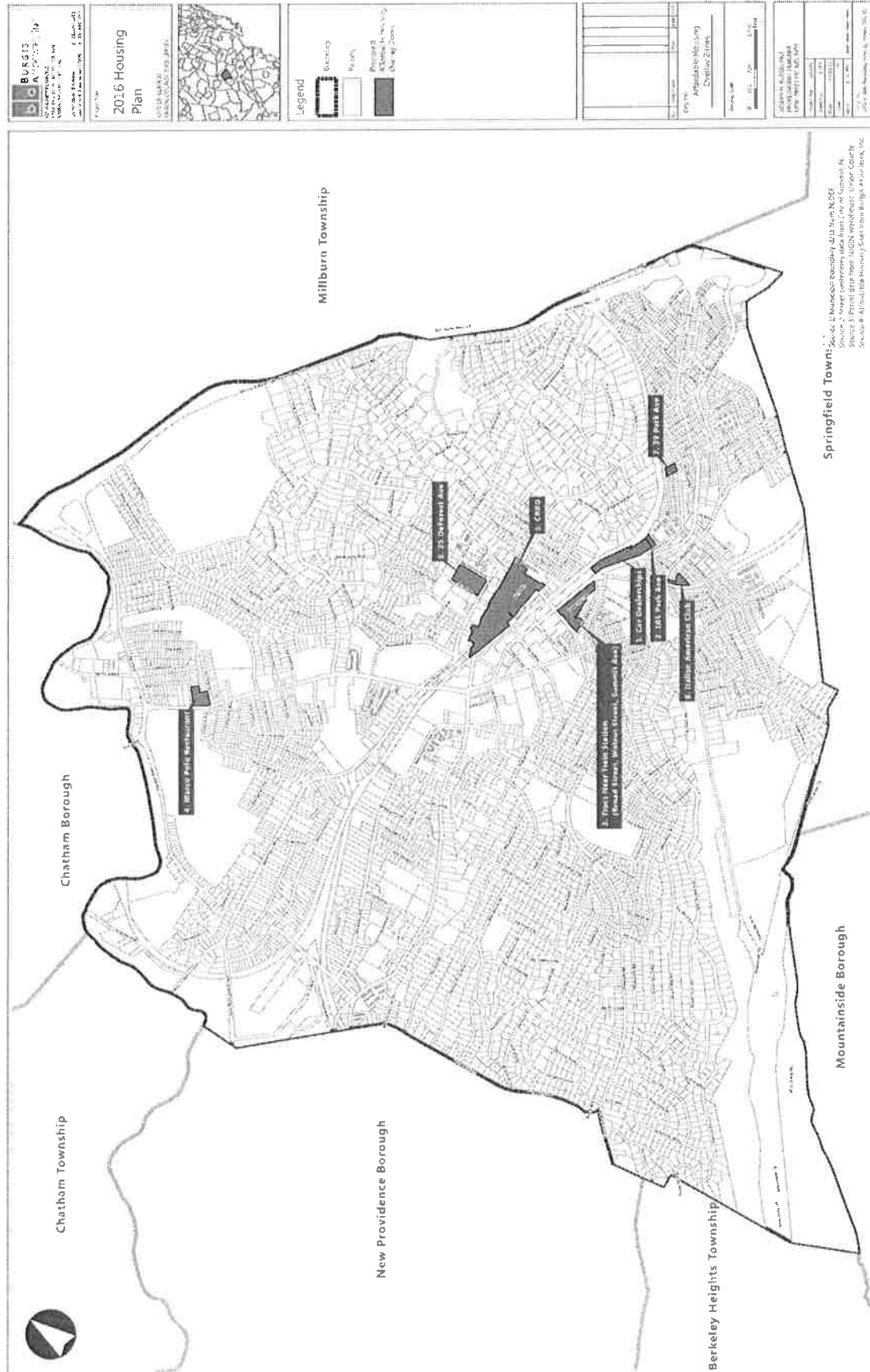
I trust this is sufficient for your needs. Do not hesitate to call if you have any questions.

Joe

Encl.

cc: Phil Caton, Paul Cascais, Michael Rogers









# 3rd Round Final Judgement of Compliance and Repose

---



**JEFFREY R. SURENIAN AND ASSOCIATES, LLC**

Brielle Galleria

707 Union Avenue, Suite 301

Brielle, NJ 08730

(732) 612-3100

Attorneys for Declaratory Plaintiff, City of Summit

By: Jeffrey R. Surenian, Esq. (Attorney ID: 024231983)

Michael A. Jedziniak (Attorney ID: 012832001)

**FILED**

**JAN 22 2019**

**CAMILLE M. KENNY  
J.S.C.**

**IN THE MATTER OF THE  
APPLICATION OF THE CITY OF  
SUMMIT, COUNTY OF UNION**

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: UNION COUNTY**

**DOCKET NO.: UNN-L-2440-15**

**CIVIL ACTION – MOUNT LAUREL**

**FINAL ROUND 3 JUDGMENT OF  
COMPLIANCE AND REPOSE**

THIS MATTER having been opened to the Court by Michael A. Jedziniak, Esq. of Jeffrey R. Surenian and Associates, LLC on behalf of declaratory plaintiff, City of Summit (hereinafter “the City” or “Summit”) via a Declaratory Judgment Action (“DJ Action”) filed on July 2, 2015 in response to In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (“Mount Laurel IV”) and requesting judicial approval of the City’s amended Housing Element and Fair Share Plan; and the Court having granted the City immunity from all Mount Laurel lawsuits commencing from July 2, 2015; and the City’s immunity having continuously remained in force to the present day; and the Court having appointed Phillip B. Caton, P.P., F.A.I.C.P. as the Special Mount Laurel Master; and Fair Share Housing Center (“FSHC”) having participated in the City’s DJ Action as an Intervenor; and the City and FSHC having entered into a Settlement Agreement on or around October 5, 2016, which was approved at a properly noticed Fairness Hearing held by the Court on October 31, 2016, as memorialized in an Order entered by the Court on that same day; and said Settlement Agreement having established the City’s “fair



share” obligations and the compliance mechanisms through which the City would satisfy same; and the City’s professionals and staff having prepared an amended Housing Element and Fair Share Plan (“Fair Share Plan”) and all supporting documentation in accordance with the Settlement Agreement and the recommendations of the Court Master; and the City’s Planning Board having adopted the Fair Share Plan on January 23, 2017; and the City Common Council having endorsed the Fair Share Plan on January 31, 2017; and in order to help satisfy its affordable housing obligations, the City having adopted Mount Laurel overlay ordinances to capture affordable housing opportunities if and when the opportunity arises; and the Fair Share Plan and all supporting resolutions, ordinances, and other documents having been submitted to the Court and the Court Master for review and approval; and, on September 25, 2017, the Court having conducted a duly-noticed Compliance Hearing and entered a Conditional Round 3 Judgment of Compliance; and said Order being attached hereto as Exhibit A and incorporated by reference hereto; and, subsequent to the entry of the Order, the City having discovered that it was entitled to ten (10) less credits than was contemplated in the Settlement Agreement; and, on February 8, 2018, the City having adopted and endorsed an amended Round 3 Housing Element and Fair Share; and, on April 13, 2018, the City having adopted an amended Spending Plan, being attached hereto as Exhibit B and incorporated by reference hereto; and thereafter, additional issues having been raised by FSHC concerning the City’s amended Housing Element and Fair Share Plan and Spending Plan; and the City having adopted a Mount Laurel Mandatory Setaside Ordinance (“MSO”) to cover *all* parcels in Summit, rather than merely the parcels in the multifamily zoning districts; and, on December 18, 2018, the City having adopted its amended MSO thereby expanding the scope of its Mandatory Mount Laurel Setaside Ordinance (“MSO”) to cover *all* parcels in Summit; and said amended Ordinance being attached hereto as Exhibit C

and incorporated by reference hereto; and, it appearing that FSHC and the City have agreed that the adoption of the Ordinance resolves FSHC's objections to the City's fair share compliance and it appearing that amendments to mechanisms to address unmet need, in accordance with the terms of the Settlement Agreement, will be considered in accordance with the mid-period review required by N.J.S.A. 52:27D-313; and it appearing that the parties have consented to the entry of this order; and for good cause shown:

**IT IS** on this 25<sup>th</sup> day of January, 2019, **ORDERED AND ADJUDGED** as follows:

1. All of the terms set forth in the City's Conditional Round 3 Judgment of Compliance, dated September 25, 2017 and attached hereto as Exhibit A, remain in full force and effect, except any such terms that are expressly addressed below.
2. The City satisfied the twelve conditions referenced in its Conditional Round 3 Judgment of Compliance.
3. The City's amended Round 3 Housing Element and Fair Share Plan, as supplemented through the adoption of the amended MSO, is approved inasmuch as it addresses the municipality's obligation under the Mount Laurel doctrine and applicable rules and regulations.
4. The City's amended Mount Laurel Spending Plan, dated April 13, 2018 and attached hereto as Exhibit B, is hereby approved.
5. The City's amended MSO, dated December 18, 2018 and attached hereto as Exhibit C, is approved and, in combination with other mechanisms, provides an appropriate response to the City's unmet need.

6. Pursuant to the City's Conditional Round 3 Judgment of Compliance and in light of the terms set forth herein, the City is entitled to repose from any and all Mount Laurel exclusionary zoning lawsuits through July 2, 2025.

7. The City shall forward a copy of this Order to the Special Master and the Service List within seven (7) days of receipt.



**HONORABLE CAMILLE M. KENNY, J.S.C.**

# NJHMFA UHAC 2025 Affordable Housing Regional Income Limits by Household Size

---





# Structural Conditions Survey

---





## EXTERIOR HOUSING SURVEY

**Municipality:** City of Summit

**County:** Union

**Date of Survey:** 12/17/24

**Performed By:** Christopher Nicola

**Title:** Assistant Zoning Officer

**Areas of municipality surveyed:**

Springfield Avenue, Broad Street, Maple Street, Summit Avenue, Morris Avenue, Oak Ridge Avenue, Pine Grove Avenue, Butler Parkway, Deforest Avenue, Glenside Avenue.

**Areas of municipality not surveyed:**

Any Streets not listed above.

**Reason(s) for not surveying these areas:**

Artificial Intelligence was used to select a list of 20 random streets throughout Summit as a representative portion of the city.

## EXTERIOR HOUSING SURVEY

MUNICIPALITY City of Summit

COUNTY Union

DATE

12/17/24

Street Address	Block/Lot	Number of Dwelling Units	Tenure of Units i.e. owner occupied/ rental/ mixed occupancy	Year Built	MAJOR SYSTEMS				MINOR SYSTEMS				Structure in Need of Repair (Mark "Yes" or "No")	If Yes, Provide Details
					One major system is required to indicate that the structure is in need of repair			Two minor systems are required to indicate that the structure is in need of repair						
					Foundation	Weatherization	Roof and Chimney	Eaves/Soffits/ Gutters/Leader	Rails/Stairs/St eps/Porch	Fire Escape				
					Siding and Walls	Windows and Doors								
16 Summit Ave	3311/5				X									
62 Morris Ave	3915/6				X		X							
110 Morris Ave	4101/12				X									
134 Morris Ave	4208/6					X								
147 Morris Ave	3304/10					X								
210-212 Morris Ave	3313/29				X									
214-216 Morris Ave	3313/28				X									
218 Morris Ave	3313/27				X									
700 Springfield Ave	2901/26					X		X						
609 Springfield Ave	1803/9				X									

I verify that I have conducted this exterior housing survey according to COAH criteria

Signature: Chris NicolaPrint Name and Title: Chris Nicola Assistant Zoning Officer

page \_\_\_\_ of \_\_\_\_

## EXTERIOR HOUSING SURVEY

Municipality: City of Summit

County: Union

Date of Survey: 12/05, 12/12Performed By: Reynaldo FlorezTitle: Zoning Inspector

Areas of municipality surveyed:

Mountain Avenue, New England Avenue, Shadyside Avenue, Glen Oaks Avenue, Larned Road, Passaic Avenue, Hillcrest Avenue, Prospect Hill Avenue, Woodland Avenue, Madison Avenue

Areas of municipality not surveyed:

Any Streets not listed above.

Reason(s) for not surveying these areas:

Artificial Intelligence was used to select a list of 20 random streets throughout Summit as a representative portion of the city.

- mountain ave 12/05 - good
- glen oaks ave 12/05 - good
- larned rd 12/05 - good
- woodland ave <sup>12/05</sup> - good
- passaic ave 12/05 - good
- madison ave 12/05 - good
- new england ave 12/12
- shadyside ave - 12/12
- hillcrest ave - 12/12
- prospect hill ave - 12/12



# Draft Ordinance Creating AH-1 Affordable Housing District (Harmen Holdings)

---



**§35-13.3 AH-1 Affordable Housing District**

Draft Ordinance: June 12, 2025

§35-13.3.A. Purpose. The purpose of the AH-1 Zone is to establish development regulations for property designated on City tax maps as Block \_\_ Lots \_\_\_\_ to facilitate mixed-use development of the site consisting of ground floor commercial space and two floors of multifamily residential units above with a required minimum low and moderate-income housing set-aside of 20% in accordance with the provisions of the P.L. 2024, c.2., commonly referred to as “the Fair Housing Act-2,” and applicable Council on Affordable Housing (“COAH”) and Uniform Housing Affordability Controls (“UHAC”).

§35-13.3.B. Permitted principal uses.

1. Multifamily residential units above the first floor.
2. Nonresidential uses limited to the first floor (ground level), including retail sales and services, personal service facilities, professional offices, restaurants and financial institutions.

§35-13.3.C. Permitted accessory uses.

1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in §35-9.8 and 35-9.9.

§35-13.3.D. Bulk requirements.

All development in the AH-1 District shall comply with the following bulk requirements:

<b>Requirement</b>	
Min. Tract Area	0.7 ac
Max. Density	20 units
Min. Affordable Set-Aside	20%
Min. Front Yard Setback	
Broad Street	2 ft
Ashwood Avenue	8 ft
Morris Avenue	25 ft
Min. Side Yard Setback	
From R-5 Zone	47 ft
From B 4008 L 7	17 ft
From B 4008 L 10	1 ft
Min. Rear Yard Setback	N/A
Third Story Stepback	The third story shall be stepped back at least ____ ft from the second floor façade along the southern and western building elevations
Max. Lot Coverage	87%
Max. Building Coverage	TBD
Max. Building Height	40 ft/3 sty
Max. FAR	TBD
Min. Parking	TBD



§35-13.3.E. Supplemental regulations.

1. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this chapter which are illustrative of the design requirements.
2. Parking areas shall be screened from view of adjacent residential zones by landscaping, fencing, or a combination thereof to create a buffer at least five feet wide and at least six feet tall to provide screening of vehicles in all seasons.
3. TBD

# Draft Ordinance Amending Mandatory Set-Aside Ordinance

---



Proposed Amendments to Article XIX, Affordable Housing Multifamily Set-Aside, of Chapter 35,  
Development Regulations  
Draft Ordinance: June 12, 2025.

**Section 1.** §35-19.1, Quantification of Affordable Housing for Multi-Family Developers, of Article XIX, Affordable Housing Multi-Family Set-Aside, of Chapter 35, Development Regulations, of the City of Summit shall be amended to read as follows:

§35-19.1      Quantification of Affordable Housing for Multi-Family Developers.

All residential development of five (5) units or more, excluding single-family detached dwelling units, in any zone shall be subject to a mandatory set-aside of affordable dwelling units and shall provide affordable dwellings on-site in accordance with the requirements of this section.

- A. Any residential development of five (5) or more dwelling units, excluding single-family detached dwelling units, shall provide an affordable housing set-aside such that at least 20% of the total dwelling units shall be affordable dwellings. As an example, if five (5) dwelling units are proposed on a site, at least one (1) of those units must be an affordable unit and constructed on site.
- B. At least 13% of the affordable dwellings shall be affordable to households earning 30% or less of the median income for the COAH Region.
- C. Where the set-aside requirement of 20% in paragraph A, above, results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number.
- D. Developers shall have the opportunity to demonstrate that the set-aside percentages set forth in paragraph A above renders the proposed project to be economically infeasible and, upon the provision of satisfactory proofs, may seek relief such as, but not limited to, additional density, a monetary subsidy from the City's affordable housing trust fund, bulk/design waivers, a payment in lieu of taxes, or other forms of relief, provided that developers shall not be permitted to seek reductions in the set-aside required by this section.

# Zoning Board of Adjustment Resolution for Application No. ZB-21-2090 (Tyrconnell Park)

---



## **RESOLUTION OF APPROVAL**

### **APPLICATION OF STMB PROPERTIES, LLC**

IN THE MATTER OF : ZONING BOARD OF ADJUSTMENT  
STMB PROPERTIES, LLC : CITY OF SUMMIT  
: APPLICATION NO. ZB-21-2090  
: BLOCK 404, LOTS 5-9  
: 557-565 MORRIS AVENUE

**WHEREAS**, STMB Properties, LLC had requested major site plan approval with variances pursuant to N.J.S.A. 40:55D-70(c)(2), N.J.S.A. 40:55D-70(d)(1), and N.J.S.A. 40:55D-70(d)(4) to allow the construction of a new 46 unit multi-family building on the property located at Block 404, Lots 5-9 on the tax map of the City of Summit, being commonly known as 557-565 Morris Avenue, Summit, New Jersey, and said premises being in the NB Zone; and

**WHEREAS**, the Board held public hearings on said application on March 17, 2022, May 16, 2022, July 27, 2022, October 17, 2022, and December 22, 2022; and

**WHEREAS**, the applicant provided adequate notice of the hearings in accordance with N.J.S.A. 40:55D-12; and

**WHEREAS**, the applicant was represented by Samantha Alfonso, Esq. and James Webber, Esq.; and

**WHEREAS**, the Board heard the testimony and evidence presented by the Applicant.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Adjustment of the City of Summit, County of Union and State of New Jersey, made the following findings:

1. The Board found the application complete.
2. According to the application, the applicant is seeking the following variances:
  - A. For the proposed construction of residential apartment units including on the first floor, whereas residential uses are only permitted above the first floor in the NB Zone.
  - B. For proposed floor area ratio of 99.6 percent, whereas 75 percent is permitted.

- C. For proposed maximum building height of 51 feet at the northerly end of the building whereas 47 feet is the maximum permitted.
- D. For proposed gross floor area of 56,670 square feet, whereas 10,000 square feet is the maximum permitted in the NB Zone.
- E. For a proposed flat roof, whereas the minimum roof pitch required is 4:12.
- F. For proposed building coverage of 35.8 percent, whereas the maximum permitted is 30 percent.
- G. For proposed rooftop appurtenance height of 57 feet at the proposed bulkhead, and 52 feet at the proposed pergola whereas 50 feet is the maximum permitted.
- H. For a proposed buffer area of 7.5 feet in width whereas a minimum of 10 feet is required.
- I. For a proposed 6 foot high aluminum picket fence along the northerly lot line whereas a maximum open fence height of 4 feet in the front yard area is allowed.
- J. For proposed lighting mounting height of 16 feet at certain exterior fixtures whereas the maximum lighting mounting height permitted is 8 feet.

3. Based upon the comments of the applicant's attorney, James Webber, Esq., the Board made the following findings:
  - A. The applicants propose a 46-unit multi-family building at the subject property which is currently multiple lots but is proposed to be consolidated into a single lot. The subject property is located at the intersection of Morris Avenue and River Road, across the street from the Bristol Myers Squibb property and from the Sunrise assisted living building. The property is also adjacent to multiple residential properties on Plain Street which the applicants were sensitive to and accounted for with screening and landscaping.
  - B. The applicants propose to shift the location of a driveway from what currently exists towards River Road in order to allow for additional space between it and the neighboring property's driveway.
  - C. The neighboring property, the Promenade, contains neighborhood businesses. The applicants seek a use variance to allow residential units on the first floor since additional businesses on this property would over saturate the business areas and further provide less intensive traffic in the area than if the applicants complied with the zoning requirements.



- D. The requirement of 10,000 square foot buildings is no longer necessary given the consolidation of multiple lots. The intention of avoiding a large building with businesses at the bottom resulting in a big box type of setting is avoided by this application.
  - E. The applicants propose a garage with stacked parking which provides more parking than what is required under the ordinance and RSIS standards. Excess parking is proposed so that there is no risk of residents or visitors spilling out and parking in the surrounding neighborhoods.
- 4. Based upon the sworn testimony of the applicants, Kieran and Kevin Flanagan, the Board made the following findings of fact:
  - A. The applicants propose this plan which is highly sensitive to the neighbors and enhances the businesses next door to it.
  - B. The applicants had conducted neighborhood meetings prior to the hearing in order to address any concerns of the neighbors. The potential issues raised regarding traffic, landscaping, and screening were incorporated into the application. The applicants propose to utilize a board-on-board fence along the easterly property line at the request of the neighbors.
  - C. The applicants seek to construct a quality building that is aesthetically pleasing, and provides essential housing to the area.
  - D. The applicants propose stacked parking in the garage, with 111 parking spots total being provided and 88 being required. The stacked parking will be operated by a trained valet 24/7. Keys would be safely stored in a lock box. This would save residents time in parking and the valet service will provide retrieval of vehicles comparable to the amount of time it would take the residents themselves. In the event of a power outage stacked parking will drop to grade providing access to vehicles.
  - E. Gas cooking grills will be available on the roof. These will be ordinarily locked but will be available to residents upon reservation and certification of training. After cooking the grills will be turned off and the gas supply locked.
  - F. Garbage will be collected by a private hauler and will be picked up at least three times a week.
- 5. Based upon the sworn testimony of the applicant's Architect, Nancy Dougherty, the Board made the following findings of fact:

- A. The top priority of this application was to create a project that was sensitive to the scale of the neighborhood. The applicants worked carefully to meet the guidelines of the Neighborhood Business Zone and also celebrate the site's location as the western gateway into Summit.
- B. The proposed building will feature timeless and durable exterior materials. These include a rusticated stone base with cast stone water table, vertical brick bays above with bronze box window bays, alternating with a rich façade clad in limestone panels. The rear of the building will transition to hard coat stucco in between brick bays, with balconies accessing some of the units. Decorative lighting will be used with sconces that provide up and down-light without any light spillage beyond the property line. The portion of the building closest to River Road will be all brick with bay windows.
- C. The application pays close attention to the design requirements in the City ordinance and the applicants meet the spirit of the requirements through their use of materials, façade rhythm, and use of design features.
- D. The building purposely relates to the size and proportion of the surrounding structures and is lower than the Promenade building next door. The building will be three stories over a fully enclosed underground garage.
- E. The applicants propose to have seven affordable housing units which will comply with the affordable component for the site.
- F. The applicants propose a first floor lounge, gym, and outdoor patio. Amenities will be available to all tenants at no charge, including those in the affordable units.
- G. The underground parking will be efficient and hidden from view, have EV charging stations with wiring for additional stations in the future, have a comprehensive fire protection system, and be managed and accessed by the 24/7 valet staff. The proposed entrance will be recessed and set below retaining walls so that it is not visible from properties on Plain Street. The garage will include venting for the generator and the pipe exhausts up to the roof. The basement will also include space for storage units which will be available for rent by residents.
- H. The applicants propose ample landscaping and street trees will punctuate the façade along Morris Avenue.
- I. The building is proposed in an "L" shape, with the main portion being more than 80 feet off the rear property line, and the other portion being almost 60 feet from the property line.

- J. There is no mechanical equipment proposed on the roof of the building since it is all located in the garage.
- K. The roof contains appurtenances for stair and elevator bulkheads. These two appurtenances are proposed at 15 feet and 9 feet above the roof, respectively, and require a variance to the extent they are more than 8 feet above the roof line. This additional height on the appurtenance is required to provide sufficient overrun for the elevator and make the roof fully accessible. They will have a stucco finish to match the finish on the side of the building.
- L. The applicants propose arched openings on the corner of River Road and Morris Avenue which lead to bike storage.
- M. The building will be fully accessible and meet all accessibility requirements of the International Building Code. The applicants propose 46 apartments in total, seven of which will be affordable units. The affordable units will be interspersed throughout the building and floors in accordance with COAH requirements. All units will be type A accessible units. The building will use all high efficiency HVAC and plumbing systems.
- N. The main entrance will include valet service and a handicapped drop-off. Inside will be a lobby with a reception desk, lounge seating, and an accessible restroom. There is also a common area, kitchenette, outdoor patio space, and a gym with access to the patio. The applicants also propose some office space on the first floor. There is a trash and recycling room on each floor; the main floor has a side door so trash and recycling can be taken out the side of the building rather than the front.
- O. The roof of the building will be fully accessible. One section of the roof is designated for future solar panels and is screened from the remainder of the roof. There will be a combination of lounge areas and other types of seating. The applicants propose two grills on the portion of the roof closest to Morris Avenue. There will be a pergola structure to provide shade; the pergola is 11' above the roof surface and 7'6" above the parapet, thereby also requiring a variance for rooftop structures in excess of 50'. A 42-inch high parapet surrounds the entire roof. There are also planters 26 inches above the roof with lights on them, which will be arranged in a manner to restrict access to the roof area that is not available as an amenity. Rooftop access will be limited to the hours of 7am to 10pm. Roof lighting will be on timers and the majority of the lighting will be completely

concealed from surrounding properties. A quick access gate for the fire department will be provided at their request.

6. Based upon the sworn testimony of the applicant's Engineer, Joshua Wirry, the Board made the following findings of fact:
  - A. The property is currently developed with four residential dwellings and a commercial building with four existing curb-cuts along Morris Avenue. The entire property is approximately 1.15 acres. An important feature of the site is the topography. There is a significant grade drop across the site of approximately 12 feet sloping down towards River Road. This results in more than 1,000 square feet of steep slope disturbance and a variance is required. The majority of these steep slopes are located in the grass areas in front of the building.
  - B. The applicants have designed the proposed driveway to allow sufficient separation between the adjacent commercial use. The applicants will supply new curbing and sidewalk. The applicants propose compliant 24-foot wide drive aisles.
  - C. A ramp is proposed to access the underground parking garage and will be utilized by the valet only. As cars pass the mid-point of the ramp they will be completely screened from the adjacent property line even without the proposed fence and additional screening. The combination of the ramp and the proposed fence and landscaping will screen the adjacent properties from vehicle headlights.
  - D. A total of 111 parking spaces are proposed, which is more than the RSIS requirement of 88. A majority of these spaces are in the underground parking garage and are completely out of sight. There are 15 surface parking spaces proposed including two ADA spaces sharing access.
  - E. Stormwater generated by the site will be fully captured and detained to meet the required flow reductions by the use of two underground infiltration basins which will improve existing drainage conditions. Stormwater pretreatment devices are proposed to remove pollutants for 80 percent total suspended solids removal prior to discharge of the existing conveyance system within Morris Avenue.
  - F. A new 6 foot solid wood fence is proposed along the rear and side property lines and replace an old existing fence.

G. Mounted lights on the property are shielded so there is no light glare directly towards the property lines. Neighboring properties will not be able to see the source of the light. The proposal results in a lighting level of zero footcandles along the entire rear property line and majority of adjacent property lines. The lighting is designed to provide adequate lighting for safety and security. The applicants propose 12 foot poles which require a variance, but these poles are more consistent with the design; if the applicants attempted to comply with the requirement of 8 foot poles, it would require more lighting poles to provide sufficient lighting. All lighting from the poles is directed towards the site rather than towards neighboring properties.

7. Based upon the sworn testimony of the applicant's Traffic Engineer, Craig Peregoy, the Board made the following findings of fact:
  - A. The applicants prepared a traffic impact study to assess the impacts of this proposed development. Baselines were established by taking traffic counts in the area in peak hours and establishing a worst-case scenario. Original traffic figures were established during the pandemic, but updated traffic counts were established in April 2022 and September, 2022 and added into the applicant's analysis. The figures used were adjusted upward to account for additional expected traffic.
  - B. Morning peak hour traffic results in total of 17 trips, which is less than a quarter of the 100 trips considered by the state to be a "significant" traffic increase. Evening peak hour traffic would generate 18 trips. These do not result in a measurable impact on the off-site intersections, and the site driveway on Morris Avenue will operate at an acceptable level of service.
  - C. Residential buildings such as what the applicants propose result in significantly lower turnover and trip generation than what would be seen from similarly-sized commercial uses.
  - D. Vehicles operating on the site, and pedestrians utilizing the site, will be able to safely circulate, enter, exit, and utilize the property.

8. Based upon the sworn testimony of the applicant's Planner, Paul Phillips, the Board made the following findings of fact:



- A. This is a unique development tract based not only on location and site characteristics, but also as part of the overall city district. The site is over an acre in size which is extraordinary for NB zone lots, which are typically surrounded by residential development.
- B. This property is located at intersection of Morris Avenue and River Road, where the build character is very different than what the NB zone envisions. The NB zone envisions small retail uses with apartments above it. Here the intersection encompasses other large commercial uses. Attempting to provide multiple access points for smaller lots would be challenging due to the intersection and would cause additional traffic concerns.
- C. Adding commercial development at this location would be problematic given the state of the current retail market which has been exacerbated by the pandemic; any ground floor retail space would compete with the Promenade next door. Additionally, the significant change in grade on the site as it drops down towards River Road does not lend itself to retail. It is not in the public interest to have retail in this location.
- D. The proposed multifamily use with a single access point represents a particularly good fit for this tract. The residential market continues to be strong as compared to demand for retail space this location, which is not strong. The proposed multifamily development is advantageous from both a trip development aspect as well as an access perspective. From a traffic standpoint, fewer conflicts are better, and multifamily residential would generate fewer trips as compared to other uses.
- E. This property is seen as a gateway site in the City, as a last piece of the puzzle of development, and the NB zone requirements do not lend themselves toward this particular tract. Given the adjacent development, the proximity to the intersection, the access and traffic concerns and market conditions, allowing the proposed ground floor residential units makes eminent planning sense for this particular tract.
- F. Multiple purposes of the Municipal Land Use Law are advanced through this application, including purpose (a) which is to guide development in a manner that promotes the public welfare, purpose (g) which is to provide sufficient space in appropriate locations for a variety of uses, purpose (h) which is to promote the free flow of traffic, and purpose (i) which is to promote a desirable visual environment.



- G. There are no undue negative impacts on neighboring properties from a land use impact standpoint. There are no detrimental traffic impacts on the Promenade next door, and the multifamily use would have a lesser impact than commercial use including no commercial deliveries, no potential nighttime commercial operations, and no surface commercial parking which could all impact immediate neighbors on Plain Street to the rear.
  - H. The applicant has designed the project to afford protection to the neighbors by providing underground parking, providing a large building setback, and providing appropriate decorative fencing and landscape buffering.
  - I. From a Master Plan perspective, the last reexamination is approximately five years old and does not take the present site into account. A use variance can be granted here without compromising the intent and purpose of the Master Plan and Zone Ordinance.
  - J. The purpose of floor area ratio requirements are to limit intensity on site and the bulk and mass of buildings. The limitation of traffic and intensity is met here by allowing the multifamily use. The bulk and mass of the building is in keeping with the immediate neighborhood context which includes relatively large buildings. Specifically, the floor area ratio of the adjacent Sunrise assisted living building is similar to what the applicants propose. The building architecture, aesthetics, articulation, and materials used all help to break up the design. One key mitigating factor here is the parking below ground which will not impact the neighborhood. The site can accommodate the proposed floor area ratio.
  - K. The C variances requested are, to a large extent, subsumed within the request for a use variance. These also present minimal negative impacts and can all be justified by the benefits of the application.
9. Based upon the sworn testimony of members of the interested public, the Board made the following findings of fact:
- A. Karthic Jayaram of 11 Plain Street has concern with the size and density of the project. The proposed buffer could cause damage and result in the removal of taller trees that currently exist to screen the lot. He has concern for the privacy of his property. He also has concerns regarding noise and privacy related to the rooftop amenities.
  - B. Donald Nelson of 20 Plain Street was initially concerned about the quality of life for the neighborhood and that the

application and surrounding buildings did not necessarily fit in the neighborhood. He applauded the applicants for addressing those concerns and thinks the applicants are doing a great job and the building looks beautiful.

10. There are no substantial negative impacts arising from the proposal and will not impinge on the light, air, or privacy of the surrounding property owners.
11. The benefits of this proposal outweigh its detriments.

#### CONCLUSIONS OF LAW:

**WHEREAS**, after careful deliberation, the Board determined that this application has met the requirements of N.J.S.A. 40:55D-70 (c)(2) because the proposed construction promotes the public health, safety, and general welfare pursuant to N.J.S.A. 40:55D-2(a), provides sufficient space and appropriate locations for residential uses pursuant to N.J.S.A. 40:55D-2(g), promotes the free flow of traffic pursuant to N.J.S.A. 40:55D-2(h), and promotes a desirable visual environment pursuant to N.J.S.A. 40:55D-2(i); and

**WHEREAS**, this application has met the requirements of N.J.S.A. 40:55D-70(d)(1) because the proposed multifamily building with residential units on the first floor in the NB Zone promotes the general welfare by allowing appropriate residential use in that location. The residential use is less intense overall than attempting to comply with the requirement for commercial uses on the first floor. Specifically, the traffic generated and singular entrance are both less intense than comparable commercial uses, and present a safer alternative in this particular location when compared to existing multiple access points. The use of the property in this manner is consistent with the purposes of the NB Zone, and the proposed site is particularly suitable for this use due to the topography of the site and surrounding roads which lend themselves to residential as opposed to commercial use, and the nature of the surrounding properties which are comparable in size and already provide sufficient commercial uses for the neighborhood; and

**WHEREAS**, the Board has determined that the relief sought can be granted without a substantial negative impact, provided all conditions of approval are satisfied or met; and

**WHEREAS**, the Board has determined that the relief sought does not impair the intent and purpose of the Master Plan or Zoning Ordinance of the City of Summit.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the City of Summit, in the County of Union and State of New Jersey, on the 22nd day of December, 2022, upon a motion made by Scott Loikits and seconded by Claire Toth that the application of STMB Properties, LLC be granted, subject to the following terms and conditions:

1. The applicant shall be bound by all exhibits introduced, all representations made and all testimony given before the Board at its meetings on March 17, 2022, May 16, 2022, July 27, 2022, October 17, 2022, and December 22, 2022.
2. The applicant shall comply with the requirements set forth in the Board Engineer's Memoranda dated October 3, 2022, annexed hereto as **Exhibit A**, except as modified by the testimony provided to the Board and by this Resolution.
3. There shall be no lighting illuminated on the roof between 10pm and 7am, except that required for emergency exits.
4. Valet parking shall be maintained for the site to ensure ADA compliance, with a minimum of 2 valets on site during peak hours, and minimum of 1 valet on site overnight.
5. Applicants shall conform with COAH regulations, including the proration of tenant parking rates.
6. Any event resulting in 10 or more guests on site must be scheduled by the resident, and notified to the manager, so arrangements can be made. Events would only be permitted if on-site parking is sufficient to allow them.
7. Applicants shall engage Jensen Hughes, Inc. to design a sprinkler system which shall be subject to review and approval of Fire Chief.
8. Applicants will install basement systems with manufacturers' specifications substantially similar to those provided in their engineering study which shall comply with state noise requirements.
9. There shall be no sound amplification on the roof.
10. The Property shall conform with the applicant's submitted Operational Guidelines, revised December 5, 2022. These guidelines shall not be amended without Board approval.
11. Garbage shall be handled by private hauler.

12. At least one electrical vehicle parking space shall be located outside of the garage.
13. A final landscaping plan shall be submitted to the City Forester for review and approval.
14. The Board shall maintain jurisdiction over traffic circulation in the proposed circle which shall include review by City Engineer and City Police Department.
15. The applicants shall apply for Title 39 jurisdiction on the site.
16. The applicant will have one (1) year from the date of this Resolution to obtain a building permit.
17. The applicant shall be responsible for obtaining any other approvals or permits from other governmental agencies, as may be required by law, including but not limited to the Municipality's and State's affordable housing regulations; and the applicant shall comply with any requirements or conditions of such approvals or permits. In no event shall such other approvals or permits be construed as the grant of additional variances. Any additional relief from the City's Zoning Ordinances shall require a new application before this Board.
18. The applicant must comply with the Development Fee Ordinance of the City of Summit, if applicable, which Ordinance is intended to generate revenue to facilitate the provision of affordable housing.
19. This approval is subject to the applicant's continuing obligation to ensure that the fees generated on this application by the Board's Planner, Engineer, and Attorney are fully paid prior to the issuance of a building permit and/or the issuance of the Certificate of Occupancy.
20. Publication of a notice of this decision will be published in one of the City's officially designated newspapers, at the cost of the applicant.

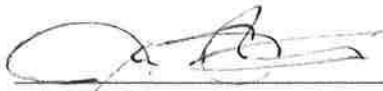
**VOTE ON ROLL CALL:**

**IN FAVOR:** Vice Chairman Joseph Steiner, Scott Loikits, Claire Toth, Diana Sajer, and Walter Gonzalez.

**OPPOSED:** Elizabeth Newell and David Mollin.

### **CERTIFICATION**

It is hereby certified the attached is a true copy of the Resolution for Application #ZB-21-2090, approved on December 22, 2022, and duly adopted as to form by the Zoning Board and memorialized at its regular meeting on January 18, 2023.



JOSEPH STEINER  
Vice Chairman  
City of Summit  
Zoning Board of Adjustment



STEPHANIE SOULIOS  
Secretary  
City of Summit  
Zoning Board of Adjustment

## EXHIBIT A

The following is a list of the items that were seized from the vehicle on 06/25/2025. The items were seized from the vehicle of [REDACTED] who was stopped on 06/25/2025 at [REDACTED] on [REDACTED] Street, [REDACTED] City, [REDACTED] State. The items were seized from the vehicle of [REDACTED] who was stopped on 06/25/2025 at [REDACTED] on [REDACTED] Street, [REDACTED] City, [REDACTED] State.

The following is a list of the items that were seized from the vehicle on 06/25/2025. The items were seized from the vehicle of [REDACTED] who was stopped on 06/25/2025 at [REDACTED] on [REDACTED] Street, [REDACTED] City, [REDACTED] State. The items were seized from the vehicle of [REDACTED] who was stopped on 06/25/2025 at [REDACTED] on [REDACTED] Street, [REDACTED] City, [REDACTED] State.



# Governing Body Ordinance No. 24-3319 Creating Morris Broad Crossroads (MBC) Overlay Zone

---



<b>Ordinance #:</b>	<b>24-3319</b>
Introduction Date:	5/21/2024
Hearing Date:	6/11/2024
Passage Date:	6/11/2024
Effective Date:	6/20/2024

**ORDINANCE OF THE CITY OF SUMMIT, COUNTY OF UNION, NEW JERSEY,  
AMENDING CHAPTER 35, DEVELOPMENT REGULATIONS, BY CREATING A  
NEW “MORRIS BROAD CROSSROADS OVERLAY ZONE” DISTRICT**

*Ordinance Summary: The purpose of this ordinance is to create an overlay zoning framework as a development alternative to the underlying B Business Zone designation to remain for Block 2706 Lots 1, 2, 3 and 4, which include the City’s firehouse site, Cedar Street office building and Chestnut Parking Lot, in order to address a portion of the City’s affordable housing obligation and, pursuant to the policy recommendations set forth in the City’s Master Plan, accommodate several public purposes including, but not limited to, the provision of residential development with a mandatory affordable housing set-aside, public parking adjacent to public uses and the Downtown, useable open space and accessibility for St. Teresa Memorial Hall, a local historic landmark. The overlay zone is envisioned to be developed as a single comprehensive integrated site design.*

**WHEREAS**, the City of Summit owns those parcels identified as Block 2706 Lots 1, 3 and 4 in City tax records, which parcels include the City’s Chestnut Parking Lot, former firehouse site and Cedar Street office building, respectively; and

**WHEREAS**, the City anticipates the Fire Department will relocate to its newly constructed firehouse in the Summer of 2024 rendering the existing firehouse site, Lot 3, vacant which the City had planned to be developed for a new use; and

**WHEREAS**, the City has determined the subject parcels to be underutilized in their current conditions given their proximity to the Summit Downtown, train station and public amenities and imminent relocation of the Fire Department to its new firehouse; and

**WHEREAS**, the City envisions the mixed-use or residential development of tract in a manner that compliments surrounding land uses, is consistent with the character of Summit’s historic Downtown and intends to utilize this development opportunity to address a portion of its affordable housing obligations on this site through the provision of residential development with a mandatory affordable housing set-aside; and

**WHEREAS**, the City also intends to accommodate several other public purposes on this site, including but not limited to the provision of useable open green space, public parking adjacent to public uses and the Downtown, and accessibility to St. Teresa Memorial Hall, all of which are in accordance with the policies and objectives set forth in the City’s Master Plan; and

**WHEREAS**, in light of the above, the Mayor and Council have determined it to be in the public interest to create a development program for the site which allows for alternatives to the existing Business zoning in pursuit of the aforementioned opportunities, while also recognizing market realities.

**NOW THEREFORE, BE IT ORDAINED, BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF SUMMIT, IN UNION COUNTY, NEW JERSEY:**

That Article XIII, Zoning Regulations, of Chapter 35, Development Regulations, of the Code of the City of Summit is hereby amended to create a new Morris Broad Crossroads Overlay Zone District for Block 2706 Lots 1, 2, 3 and 4, as follows:

**Section 1. Preamble.** The preamble to this ordinance is hereby incorporated as if restated in full.

**Section 2. Morris Broad Crossroads Overlay Zone District Established.** §35-8.1.A., “Establishment of zones” of the Code of the City of Summit (“City Code”) is hereby amended and supplemented to add therefore a new overlay zone district entitled the “Morris Broad Crossroads Overlay Zone” District and shall read as follows (additions are underlined thus; deletions are in brackets [thus]):

§35-8.1. Establishment of zones.

For the purposes of this article, the City of Summit is hereby divided into zone districts as follows:

A. Zoning districts.

R-5	Single and Two-Family Residential Zone
R-6	Single-Family Residential Zone
R-10	Single-Family Residential Zone
R-15	Single-Family Residential Zone
R-25	Single-Family Residential Zone
R-43	Single-Family Residential Zone
TH-1	Townhouse 1 Zone
TH-2	Townhouse 2 Zone
MF	Multifamily Residential Zone
MFT	Multifamily Tower Residential Zone
MF/TOD	Multifamily/Transit Oriented Development Zone
RAH-1	Affordable Housing Zone
CRBD	Central Retail Business District Zone
B	Business Zone
B-1	Business 1 Zone

NB	Neighborhood Business Zone
ORC	Office Residential Character Zone
ORC-1	Office Residential Character 1 Zone
LI	Light Industrial Zone
PROD	Planned Research Office Development Zone
PROD-2	Planned Research Office Development Zone
RO-60	Research Office Zone
PI	Professional Institutional Zone
PL	Public Lands Zone
G	Golf Zone
GW I	Gateway 1 Zone
GW II	Gateway II Zone
	[Broad Street West Redevelopment Area]

B. Overlay zones.

*(No changes to B1-B7)*

8. Morris Broad Crossroads Overlay Zone.

<u>Block</u>	<u>Lot</u>	<u>Property Address</u>
<u>2706</u>	<u>1</u>	<u>406 Broad Street</u>
<u>2706</u>	<u>2</u>	<u>402 Broad Street</u>
<u>2706</u>	<u>3</u>	<u>384-392 Broad Street</u>
<u>2706</u>	<u>4</u>	<u>7 Cedar Street</u>

**Section 3. Zoning Map Amended – §35-8.2.** §35-8.2. “Zoning Map” of the City Code is hereby amended and supplemented to add therefore a new overlay zone district entitled the “Morris Broad Crossroads Overlay Zone” District and shall read as follows (additions are underlined thus; deletions are in brackets [thus]):

§35-8.2. Zoning Map.

The location and boundaries of the above districts are hereby established on the Zoning Map of the City of Summit in Union County, dated [October 3, 2020] May 21, 2024, as amended, which is filed in the office of the City Clerk. Said map or maps and all notations, references and designations shown thereon shall be part of this article as if the same were all fully described and set forth herein. A copy of the Zoning Map is located in the Appendix of this chapter.

**Section 4. Zoning Map Amended – Attachment 2.** Attachment 2 – Appendix B, Zoning Map of Chapter 35, Development Regulations is hereby amended by placing Block 2706 Lots 1, 2, 3 and 4 in the Morris Broad Crossroads Overlay Zone created by this ordinance, as shown Exhibit B attached hereto.

**Section 5. Morris Broad Crossroads Overlay Zone Regulations Established.** Section 35-13.32, of Article XIII, Zoning Regulations, of Chapter 35, Development Regulations, of the City Code is hereby repealed in its entirety and replaced with a new Section 35-13.32 entitled, “Morris Broad Crossroads Overlay Zone,” which shall read as set forth in Exhibit A attached hereto and made a part hereof.

**Section 6. Schedule of Space Regulations Amended.** Attachment 3 – Appendix C, Schedule of Space Regulations, of Chapter 35, Development Regulations, of the City Code is hereby amended to include the bulk requirements of the new MBC Overlay Zone as set forth in Exhibit C attached hereto and made a part hereof.

**Section 7. Remainder of Chapter 35 Unchanged.** All other provisions of Chapter 35 of the City Code shall remain unchanged.

**Section 8. Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.

**Section 9. Severability.** If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

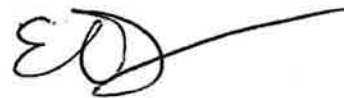
**Section 10. Referral to Planning Board.** Following introduction and prior to adoption, the City Clerk shall cause a copy of this ordinance to be referred to the City of Summit Planning Board for review pursuant to N.J.S.A. 40:55D-26.

**Section 11. Effective date.** This ordinance shall take effect immediately upon publication and final passage according to law.

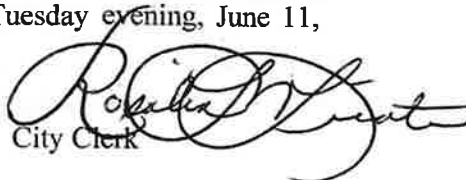
Dated: June 11, 2024

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing ordinance was duly passed by the Common Council of said City at regular meeting held on Tuesday evening, June 11, 2024.

Approved:



Dr. Elizabeth Fagan, Mayor

  
 City Clerk

**EXHIBIT A****§35-13.32****Morris Broad Crossroads Overlay Zone District****§35-13.32.A. Purpose.**

The purpose of the Morris & Broad Crossroads Overlay Zone is to address a portion of the City's affordable housing obligation and, pursuant to the policy recommendations set forth in the Master Plan, accommodate a number of public purposes, including but not limited to the provision of multifamily residential development with a mandatory affordable housing set aside, useable open green space, public parking adjacent to public uses and the Downtown, and accessibility to St Teresa Memorial Hall as befits a local historic landmark. The entire Overlay Zone shall be developed as a single comprehensive integrated design. The underlying Business Zone district designation shall be retained.

**§35-13.32.B. Overlay Zone Boundary.**

The Morris Broad Crossroads Overlay Zone District "Tract" shall include the following lots:

<b>Block</b>	<b>Lot</b>	<b>Property Address</b>
2706	1	406 Broad Street
2706	2	402 Broad Street
2706	3	384-392 Broad Street
2706	4	7 Cedar Street

**§35-13.32.C. Permitted Uses.**

1. **Principal Uses.** The following uses shall be permitted in the MBC Overlay Zone; provided, however, that any developer that elects to develop in accordance with the MBC Overlay Zone standards shall be required to construct at least thirty (30) residential units as part of said development.
  - a. Multifamily residential units.
  - b. Mixed-use multifamily: residential units at or above grade with one or more retail store, excluding convenience stores, or retail food establishment, each not to exceed a gross floor area of 3,000 square feet.
  - c. Offices, excluding medical and dental offices.
  - d. Townhouses, including stacked duplex townhouses.
2. **Accessory Uses.**
  - a. Uses which are customarily incidental and accessory to the principal permitted use as regulated in § 35-9.8 and 35-9.9.
  - b. The following accessory uses are expressly prohibited:
    - (1) Drive-thru facilities.
    - (2) Detached garages and sheds.
    - (3) Standalone parking structures.

**§35-13.32.D. Bulk Requirements.**

1. The table below sets forth the bulk requirements of the MBC Overlay Zone.



**MBC Overlay Zone Bulk Requirements**

<b>Requirement</b>	<b>MBC Overlay Zone</b>
Min. Tract Area	The Tract shall include Block 2706 Lots 1, 2, 3 & 4. The minimum tract area is 1.5 ac.
Max. Tract Floor Area Ratio (FAR)	115% (1.15 FAR) <sup>(1)</sup>
Min. Density	19 du/ac <sup>(2)</sup>
Max. Density	30 du/ac
Min. Affordable Housing Set-Aside	15% for rental units; 20% for non-rental units <sup>(3)</sup>
Min. Lot Width	N/A
Min. Lot Line Setback at Broad Street	15 feet <sup>(4)</sup>
Min. Lot Line Setback at Cedar Street	10 feet <sup>(4)</sup>
Min. Lot Line Setback at Morris Avenue	20 feet <sup>(4)</sup>
Min. Lot Line Setback at South Lot Lines of Tract	40 feet <sup>(4,5)</sup>
Max. Tract Building Coverage	35% <sup>(4)</sup>
Max. Tract Lot Coverage	75% <sup>(4)</sup>
Max. Building Length	180 ft <sup>(4)</sup>
Max. Building Height	3 stories: 36 feet <sup>(6)</sup>
Min. Distance Between Buildings on Tract	100 feet <sup>(4)</sup>
Min. Open Space	9,000 sf of contiguous green space <sup>(7)</sup> which shall include a minimum 100-foot-wide frontage on Broad Street (can include paved access driveway alongside or in required 9,000 sf)

- (1) Represents a 40% bonus over the maximum 75% FAR permitted in the underlying B Zone.
- (2) In no event shall the total number of residential units provided on site be less than 30 units.
- (3) Irrespective of the minimum affordable housing set-aside percentage, in no event shall there be fewer than seven (7) affordable units provided on site.
- (4) Excludes below grade parking structure.
- (5) Setback shall be sufficient to provide adequate circulation, loading and access at St. Teresa Memorial Hall north entry, including a driveway between the south lot line and on tract buildings.
- (6) Additional building height up to 4 stories and 46 feet shall be permitted, provided that the fourth floor have a minimum setback of 10 feet from the exterior building wall on all sides, with the exception of the fourth floor fronting Cedar Street, which shall have a minimum setback of 20 feet from the exterior building wall.
- (7) 'Green space' shall mean pervious areas planted with a combination of lawn, plants, trees and pervious hardscape materials in accordance with a comprehensive landscape plan.

## §35-13.32.E. Parking, Loading and Circulation.

1. The table below sets forth the parking and loading requirements for the MBC Overlay Zone.

**MBC Overlay Zone Parking and Loading Requirements**

<b>Requirement</b>	<b>MBC Overlay Zone</b>
Minimum Number of Parking Spaces - Residential	Per RSIS
Minimum Number of Parking Spaces - Nonresidential	Per DRO, §35-14.1.P.
Minimum Number of Public Parking Spaces (Replacing 59 public spaces at Chestnut Lot)	32 on-tract surface parking spaces <sup>(1)</sup>
Min. Number of Parking Spaces Dedicated for St. Teresa Memorial Hall	7 spaces immediately north of Lot 7
Minimum Loading	Per DRO, §35-14.1.P.

- (1) The remaining 20 public parking spaces shall be captured by the City as on-street parking along Broad Street and Cedar Street in the immediate vicinity of the site.

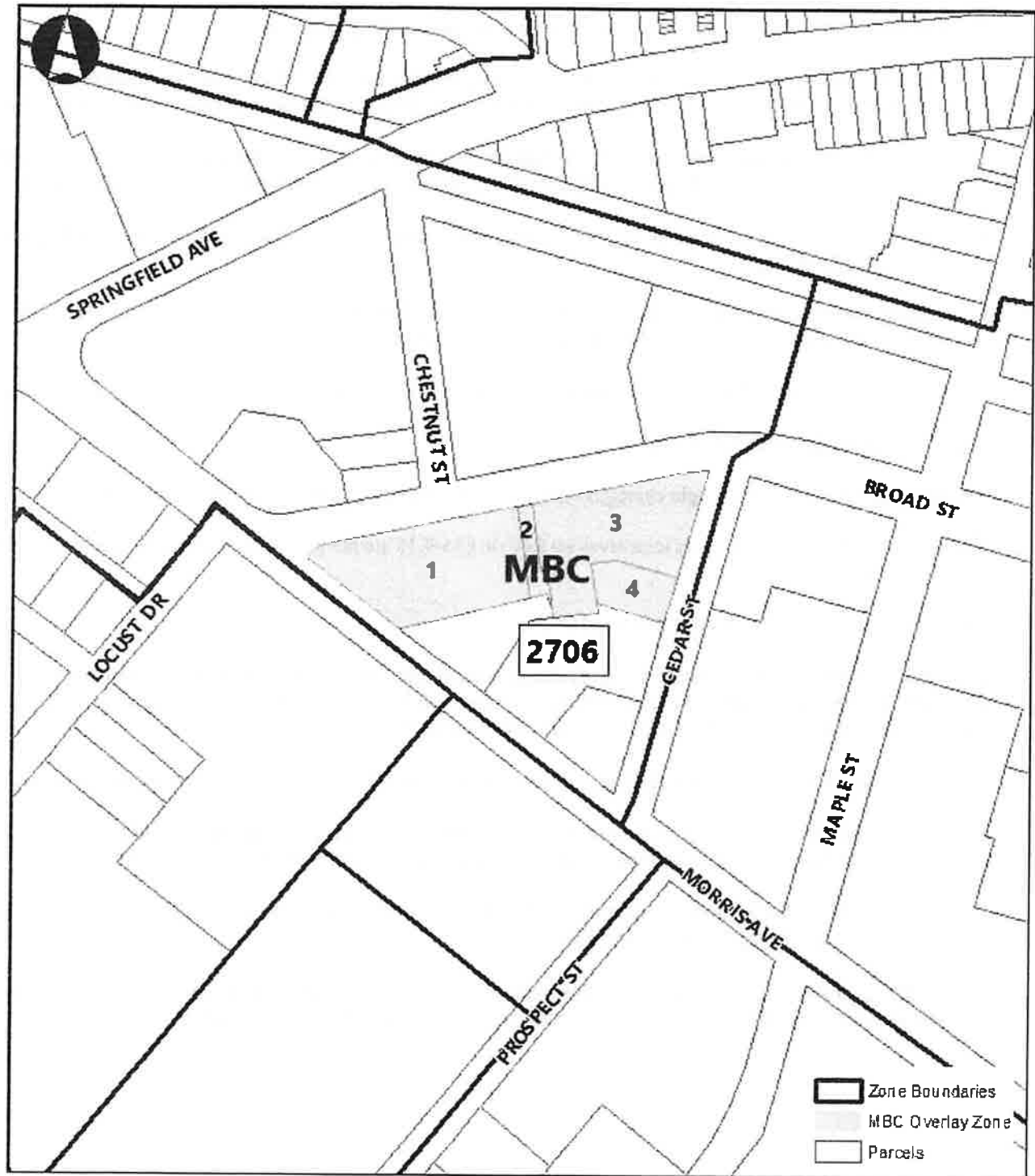
2. Additional Parking, Loading and Circulation Requirements.

- a. The combined minimum number of required parking spaces for the residential and nonresidential uses of the tract shall be provided in an underground parking structure. No shared parking methodologies shall be permitted.
- b. Parking stackers shall be permitted only in the below grade parking structure.
- c. Vehicular access and a minimum of 7 on-tract parking spaces shall be dedicated for St. Teresa Memorial Hall and located immediately north of Lot 7 in accordance with the agreement between the Church and the City.
- d. The public sidewalk along the Broad Street right-of-way shall have a minimum width of 10 feet. The public sidewalks along the Morris Avenue and Cedar Street rights-of-way shall have a minimum width of 4 feet.
- e. The site plan shall accommodate bicycle parking which may include surface public bicycle parking and/or private bicycle storage.
- f. Parking, loading and circulation requirements not specified herein shall be subject to the applicable requirements set forth in Chapter 35, Development Regulations.
- g. The electric vehicle (EV) parking requirement shall be in accordance with the applicable State requirements.

§35-13.32.F. Supplementary Requirements.

1. The developer shall submit a single comprehensive integrated site development plan for the entire tract.
2. Green building development bonus incentives set forth in §35-9.15 are not available for development in accordance with the MCB Overlay Zone.
3. More than one principal building is permitted on the tract.
4. Site plan applications shall include a comprehensive landscape and streetscape plan prepared by a licensed landscape architect or similarly qualified professional subject to Planning Board review and approval. Street trees shall be installed along all tract frontages at a maximum spacing of 44 feet.
5. Signage for the MBC Overlay Zone shall be in accordance with the City's sign regulations applicable to the B Zone.
6. Lighting, landscaping, design and performance requirements, stormwater management and other site plan requirements not specified herein shall be subject to the applicable requirements set forth in Chapter 35.
7. The exterior building designs and materials shall reflect the historic character of the City, particularly the Downtown area, a national and state registered historic district.
8. Prior to the submission of a site plan application to the Planning Board, the prospective developer shall be required to attend a technical review meeting with a subcommittee appointed by the Common Council.

EXHIBIT B



# APPENDIX C:

## SCHEDULE OF SPACE REGULATIONS – RESIDENTIAL ZONES

(Section 35-9.4)

REQUIREMENTS	R-43	R-25	R-15	R-10	R-6	R-5	RAH-1	MF Apts. <sup>e</sup>	MFT <sup>a</sup>	TH-1	TH-2
Lot Area Min. Sq. Ft.	43,000	25,000	15,000	10,000	6,000	5,000 <sup>b</sup>	7,000	2 acres	2 acres	5 acres	6 acres
Density—Units per Acre <sup>h</sup>	NA	NA	NA	NA	NA	NA	NA	12	20	8	4
Lot Width Minimum Ft.	150	100	90	75	60	50	50	150	150	c	c
Front Yard Minimum Ft.	50	35	35	30	25	25	15	50	35	c	c
Rear Yard Minimum Ft.	50	45	45	40	30	30	30	35	35	c	c
Side Yard Min. Ft. Ea. Side	25	17	15	12	8	7	7.5	25 <sup>d</sup>	25	c	c
Total Side Yard Min.	40%	40%	35%	35%	33%	33%	NA	30%	30%	c	c
Lot Coverage Max % <sup>h</sup>	30%	30%	35%	35%	40%	45%	40%	70%	75%	70%	45%
Bldg. Coverage Max. %	12%	14%	18%	18%	20%	20%	30%	20%	20%	40%	18%
Building Height Max. Ft. <sup>h</sup>	35 <sup>f,g</sup>	35 <sup>f,g</sup>	35 <sup>g</sup>	35 <sup>g</sup>	35 <sup>g</sup>	35 <sup>g</sup>	35 <sup>g</sup>	35	48	35	35
Maximum Stories <sup>h</sup>	2	2	2	2	2	2	2	2	4	2.5	2
Floor Area Ratio <sup>h</sup>	25%	25%	25%	25%	35%	35%	40% <sup>e</sup>	40%	60%	NA	30%

NA: Not Applicable

October 6, 2020

- a Townhouses are also permitted, subject to a density of not more than 6 units per acre. In the MFT Zone only, the maximum density for assisted living development shall be 35 units per acre on lots or tracts at least 2 acres in area.
- b Two-family houses must have a minimum lot area of 10,000 feet.
- c These requirements for Townhouse Zones TH-1 and TH-2 are included in the text at Article XIII.
- d End units only. Minimum distance between buildings is the building height.
- e 40% of first 8,000 sq. ft.; 25% of portion in excess of 8,000 sq. ft.
- f New construction with a minimum roof pitch of 8/12 shall be permitted a bonus height increase not to exceed 38 ft. in accordance with Section 35-1.1.
- g Additions to existing dwellings greater than 35 ft. shall be permitted to match the existing roofline not to exceed 38 ft. where the minimum existing and proposed setbacks are conforming in accordance with Section 35-1.1.
- h Green building development bonus incentives are available for qualifying development excluding single and two-family dwellings for bonus increases in density, lot coverage, building height and floor area ratio (FAR) in accordance with 35-9.15.

## APPENDIX C:

### SCHEDULE OF SPACE REGULATIONS – NONRESIDENTIAL ZONES

(Subsection 35-9.4)

REQUIREMENTS	B	B-1	NB	ORC	ORC-1	CRBD	G <sup>1</sup>	L <sup>1</sup>	PI	PL	PROD	PROD-2	RO60
Lot Area Min. Sq. Ft.	NA	85,000	NA	8,000	10,000	NA	124 Acres	15,000	15,000	NA	85 Acres	15 Acres	60,000
Density—Units per Acre <sup>h</sup>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Lot Width Minimum Ft.	NA	250	NA	75	75	NA	NA	100	100	NA	NA	100	100
Front Yard Minimum Ft.	NA	10 & 100 <sup>j</sup>	NA	25	30	NA	NA	25	25	15 <sup>k</sup>	25 <sup>l</sup>	25	25
Rear Yard Minimum Ft.	NA	NA	NA	25	25	NA	NA	25	25	NA	NA	25	25
Side Yard Min. Ft. Ea. Side	NA	15	NA	10	12	NA	NA	12	12	NA	NA	12	12
Total Side Yard Min. <sup>m</sup>	NA	30	NA	33%	35%	NA	NA	25%	25%	NA	NA	25%	25%
Lot Coverage Max. % <sup>h</sup>	90%	60	90%	75%	50%	NA	3%	70%	90%	NA	70%	60%	65%
Bldg. Coverage Max. %	30%	15	30%	30%	20%	NA	NA	40%	50%	NA	35% <sup>n</sup>	25%	40%
Building Height Max. Ft. <sup>h</sup>	42	35	42	35	35	42	NA	48	48	48	48 <sup>o</sup>	48 <sup>o</sup>	48
Maximum Stories <sup>h</sup>	3	2	3	2	2	3	NA	3	4	3	NA	3 <sup>p</sup>	3
Floor Area Ratio <sup>h</sup>	75%	27%	75%	75%	40%	225%/300% <sup>q</sup>	NA	70%	150%	NA	65%*	50%*	60%

NA: Not Applicable

October 6, 2020

<sup>h</sup> Green building development bonus incentives are available for qualifying development excluding single and two-family dwellings for bonus increases in density, lot coverage, building height and floor area ratio (FAR) in accordance with 35-9.15.

<sup>i</sup> A minimum perimeter setback of 25 feet shall be provided in lieu of specific "yard" dimensions.

<sup>j</sup> 10 feet on Morris Avenue and 100 feet on Prospect Street.

<sup>k</sup> Elm Street, Maple Street, Morris Avenue frontage only. NA for all other streets.

<sup>l</sup> Passaic Ave. and River Rd. only; minimum 30 feet on Morris Ave. and 50 feet on Madison and Lincoln Aves.

<sup>m</sup> Maximum required for one side yard shall be two times the minimum side yard for each side in feet.

<sup>n</sup> 35% may be increased proportionately to a maximum of 40% as each parking structure is completed.

<sup>o</sup> Building height of 60 feet is permitted in "Height Exemption Area"—See Sections 35-13.16 and 35-13.17.

<sup>p</sup> Building height of 5 stories is permitted in the "Height Exemption Area" — See Section 35-13.17.

<sup>q</sup> In the CRBD, where a building is compliant in terms of use(s), an increase in the floor area ratio from 225% up to or equal to 300% shall be permitted. The Floor Area Ratio calculation shall not include the area associated with the following: structured parking, elevators, and required ADA or code mandated improvements.

\* Parking structures shall be excluded from FAR calculations.



# APPENDIX C:

## SCHEDULE OF SPACE REGULATIONS -- GW-I ZONE

(Subsection 35-9.4)

REQUIREMENTS	GW I
Tract Area Min. Sq. Ft. <sup>r</sup>	122,000
Front Yard Setback Min. (DeForest Avenue)	7 feet
<u>Front Yard Setback Min. (Parnley Place)</u>	
South Side	9 feet
North Side	7 feet
Front Yard Setback Min. (Beechwood Road)	10 feet
For any structure less than 15 feet in height, including parking structures	5 feet
<u>Front Yard Setback Min. (Summit Avenue)</u>	
North of Parnley Place	40 feet
South of Parnley Place <sup>s</sup>	Average 32 feet; however, in no case less than 25 feet
Front Yard Setback Min. (Euclid Avenue)	15 feet
Rear Yard Min. (Adjacent to Block 2607, Lot 7)	10 feet
Tract Coverage Max. <sup>t</sup>	80%
<u>Building Height Max. <sup>h,u,v</sup></u>	
Apartments, offices, and mixed-use buildings	48 feet
Townhouses	40 feet
Maximum Stories <sup>h,u</sup>	
Apartments, offices, and mixed-use buildings	4
Townhouses	3
Floor Area Ratio Max. (excluding parking structures) <sup>h</sup>	113.5%

October 6, 2020

<sup>h</sup> Green building development bonus incentives are available for qualifying development excluding single and two-family dwellings for bonus increases in density, lot coverage, building height and floor area ratio (FAR) in accordance with 35-9.15

<sup>r</sup> Excluding the Parnley Place right-of-way.

<sup>s</sup> Calculation of average and minimum front yard setback on Summit Avenue south of Parnley Place shall not include the setback of the existing building at the corner of Summit Avenue and DeForest Avenue.

<sup>t</sup> Does not include public right-of-way.

<sup>u</sup> The existing building is exempt from setback and height standards.

<sup>v</sup> Parking levels shall not be counted toward story limitation; however, they shall be counted toward overall height limitation.



## APPENDIX C:

### SCHEDULE OF SPACE REGULATIONS – GW-II ZONE

(Subsection 35-9.4)

REQUIREMENTS	T1-A	T1-B	T2	T3
Tract Area Min. Sq. Ft.	4.5 ac.	4.5 ac.	.25 ac	.25 ac
Max. Density <sup>h</sup>	20 du's acre (up to 29 with bonuses as identified elsewhere)			
Tract Width Min.	100 ft. along Broad St.	100 ft. along Broad St.	100 ft. along Broad St.	NA
Tract Depth Min. (sufficient for bulk regmrnts.)	NA	NA	NA	NA
Front Yard Setback Min. (from public street)	15 ft.	15 ft.	5 ft.	5 ft.
Side Yard Setback Min. (sufficient for circulation, btw property lines or drives & btw bldgs.)	10 ft. from a property line/20 ft. Between Buildings			
Rear Yard Min. (opposite Broad St.)	10 ft.	10 ft.	10 ft.	10 ft.
Impervious Coverage Max. <sup>h</sup>	60%	60%	80%	80%
Building Coverage Max.	40%	40%	40%	40%
Open Space Min. (may include landscape rooftops)	50%	50%	40% of Bld. Coverage whichever is greater <sup>*</sup>	40% of Bld. Coverage whichever is greater <sup>*</sup>
Pervious/Porous Min. (at-grade, landscaping)	35%	35%	Buffer Requirements	
Private Open Space	Min. of 100 sq. ft. allocated per unit for either individual unit use or to be use collectively for a designed, pocket park. However, in no case shall a surface pocket park be less than 1,500 sq. ft.		NA	
MAX. STORIES & HEIGHT <sup>h</sup>				
Townhouse/Brownstone (3 residential)	4 sty/40 ft.	4 sty/40 ft.	4 sty/40 ft.	4 sty/40 ft.
Multi-Family Buildings	4 sty/45 ft.	NA	NA	NA
Multi-Family Buildings <sup>**</sup>	NA	5 sty/53 ft. <sup>**</sup>	NA	NA
Office	4 sty/55 ft.	NA	4 sty/45 ft.	4 sty/55 ft.
Multifamily or Mixed-Use Building	NA	NA	4 sty/45 ft.	4 sty/45 ft.

NA: Not Applicable

October 6, 2020

NA: Not Applicable

October 6, 2020

<sup>h</sup> Green building development bonus incentives are available for qualifying development excluding single and two-family dwellings for bonus increases in density, lot coverage, building height and floor area ratio (FAR) in accordance with 35-9.15.

<sup>\*</sup> For T2 & T3 the open space shall be equal to the building coverage on site. This may include individual open space (decks/patios) and/or rooftop plantings or a green roof. The rooftop space shall be landscaped with permanent vegetation.

<sup>\*\*</sup> Up to 5 stories are permitted in locations on T1-B as identified in test of subsection 35-13.22D.

**APPENDIX C:****SCHEDULE OF SPACE REGULATIONS – MULTIFAMILY/TRANSIT ORIENTED DEVELOPMENT (MF/TOD) ZONE**  
(Subsection 35-9.4)

REQUIREMENTS	MF/TOD
Lot Area Min.	Residential cluster: 40,000 sf.
Density Max. (DU/AC) <sup>h</sup>	12 DU/A base up to 17 DU/A per bonuses
Density bonus Max. (DU/AC)	See subsection 35-13.8
Lot Width Min.	225 ft.
Front Yard Min./Max.	15 ft./25 ft.
Rear Yard Min.	0
Side Yard Each Min.	10 ft.
Side Yard Total Min.	20 ft.
Lot Coverage Max. % <sup>h</sup>	70%
Bldg. Coverage Max. %	30%
Bldg. Height Max. <sup>h</sup>	35
Maximum Stories <sup>h</sup>	2
Floor Area Ratio Max. <sup>h,w</sup>	65%

October 6, 2020

<sup>h</sup> Green building development bonus incentives are available for qualifying development excluding single and two-family dwellings for bonus increases in density, lot coverage, building height and floor area ratio (FAR) in accordance with 35-9.15.

<sup>w</sup> Within buildings in the MF/TOD Zone, floor area encompassing elevator towers, including exterior walls thereof, and all corridors that connect an elevator and a dwelling unit, shall not be included in the calculation of floor area ratio (FAR) provided that the elevator tower and corridor are located in an interior courtyard area.

## APPENDIX C:

### SCHEDULE OF SPACE REGULATIONS – OVERLAY ZONES

(Subsection 35-9.4)

REQUIREMENTS	OL-1	OL-2	OL-3	OL-4	OL-5	OL-6	OL-7
Lot Area Min. (ac)	4.5	0.5	NA	NA	1	0.5	0.75
Density Max. (du/ac) <sup>h</sup>	20	12	12	12	12	12	13.25
Lot Width Min. (ft)	100	75	100	NA	150	75	NA
Front Yard Min. (ft)	15	10	15	NA	25	10	12
Rear Yard Min. (ft)	10	10	20	NA	25	10	12
Side Yards Min. (ft)	10/20	10	10	NA	25	10	12 <sup>x</sup>
Lot Coverage Max. (%) <sup>h</sup>	60%	90%	90%	NA	90%	90%	60%
Bldg. Coverage Max. (%)	40%	30%	30%	NA	30%	30%	30%
Bldg Height Max. (ft) <sup>h</sup>	45	42	42	42	42	42	35
Max. Bldg Ht (Stories) <sup>h</sup>	4	3	3	3	3	3	2
Min. Buffer to Adj. DU (ft)	NA	15	15	NA	NA	10	10

NA: Not Applicable

October 6, 2020

<sup>h</sup> Green building development bonus incentives are available for qualifying development excluding single and two-family dwellings for bonus increases in density, lot coverage, building height and floor area ratio (FAR) in accordance with 35-9.15.

<sup>x</sup> The setback along the former railroad right-of-way shall be permitted to be a minimum of seven (7) feet

## APPENDIX C:

### SCHEDULE OF SPACE REGULATIONS – MORRIS BROAD CROSSROADS OVERLAY ZONE

(Subsection 35-9.4)

REQUIREMENT	MBC OVERLAY ZONE
Min. Tract Area	The Tract shall include Block 2706 Lots 1, 2, 3 & 4. The minimum tract area is 1.5 ac.
Max. Tract Floor Area Ratio (FAR)	115% (1.15 FAR) <sup>(1)</sup>
Min. Density	19 du/ac <sup>(2)</sup>
Max. Density	30 du/ac
Min. Affordable Housing Set-Aside	15% for rental units; 20% for non-rental units <sup>(3)</sup>
Min. Lot Width	N/A
Min. Lot Line Setback at Broad Street	15 feet <sup>(4)</sup>
Min. Lot Line Setback at Cedar Street	10 feet <sup>(4)</sup>
Min. Lot Line Setback at Morris Avenue	20 feet <sup>(4)</sup>
Min. Lot Line Setback at South Lot Lines of Tract	40 feet <sup>(4,5)</sup>
Max. Tract Building Coverage	35% <sup>(4)</sup>
Max. Tract Lot Coverage	75% <sup>(4)</sup>
Max. Building Length	180 ft <sup>(4)</sup>
Max. Building Height	3 stories: 36 feet <sup>(6)</sup>
Min. Distance Between Buildings on Tract	100 feet <sup>(4)</sup>
Min. Open Space	9,000 sf of contiguous green space <sup>(7)</sup> which shall include a minimum 100-foot-wide frontage on Broad Street (can include paved access driveway alongside or in required 9,000 sf)

NA: Not Applicable

May 21, 2024

- (1) Represents a 40% bonus over the maximum 75% FAR permitted in the underlying B Zone.
- (2) In no event shall the total number of residential units provided on site be less than 30 units.
- (3) Irrespective of the minimum affordable housing set-aside percentage, in no event shall there be fewer than seven (7) affordable units provided on site.
- (4) Excludes below grade parking structure.
- (5) Setback shall be sufficient to provide adequate circulation, loading and access at St. Teresa Memorial Hall north entry, including a driveway between the south lot line and on tract buildings.
- (6) Additional building height up to 4 stories and 46 feet shall be permitted, provided that the fourth floor have a minimum setback of 10 feet from the exterior building wall on all sides, with the exception of the fourth floor fronting Cedar Street, which shall have a minimum setback of 20 feet from the exterior building wall.
- (7) 'Green space' shall mean pervious areas planted with a combination of lawn, plants, trees and pervious hardscape materials in accordance with a comprehensive landscape plan.